Washington, Friday, September 30, 1955

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETAELES AND OTHER PRODUCTS (INSPECTION, CER-TIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CONCENTRATED TANGERINE JUICE FOR MANUFACTURING ¹

On June 28, 1955, a notice of proposed rule making was published in the Federal Register (20 F. R. 4546) regarding a proposed issuance of United States Standards for Grades of Concentrated Tangerine Junce for Manufacturing.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Concentrated Tangerine Junce for Manufacturing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946. (60 Stat. 1037 et seq., 7 U. S. C. 1621 et seq.)

PRODUCT DESCRIPTION AND GRADES

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52.2931	Product description.
50 0030	Grades of concentrate

2.2932 Grades of concentrated tangerine juice for manufacturing.

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SCORE SHELT

52.2941 Score sheet for concentrated tangerine juice for manufacturing.

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Commette Act.

AUTHORITY: §§ 52.2931 to 52.2941 iccued under sec. 205, 60 Stat. 1030, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.2931 Product description. Concentrated tangerine juice for manufacturing is the concentrated product obtained from sound, mature fruit of the Mandarın group (Citrus reticulata) The fruit is prepared by corting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated tangerine juice is processed in accordance with good commercial practice; and may or may not require processing by heat or subsequent refrigeration to assure preservation of the product. The finished product does not contain any additives except that coldpressed oil to standardize flavor and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act may have been added.

(a) The Brix value of the finished concentrate shall comply with the following for the dilution factors indicated:

77.4	Brix value of the finished constatution		
Dilution factor	Minimum Brix valua	Maximum Brix valua	
1 plus 3	Dipins 33.0 43.0 13.3 03.3	Depues 41.0 42.0 63.3	

(b) Concentrated tangerine juice for manufacturing of other dilution factors than "1 plus 3" to "1 plus 6", as indicated in paragraph (a) of this section, shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 10.6 degrees.

§ 52.2932 Grades of concentrated tangerine juice for manufacturing. (a) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated tangerine juice which shows no material gelation, reconstitutes properly, and of which the reconstituted juice possesses a good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when

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Reprint Notice-

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This issue, containing a 57-page indexdigest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

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	scored in accordance with the so	oring
	system outlined in this subpart. (b) "U. S. Grade C for Manufa	otur.
	ing" or "U. S. Standard for Manufa	ictur=
	in all in the annual and assessed	too too

ing" is the quality of concentrated tangerine juice which shows no material gelation, reconstitutes properly, and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard for Manufacturing" is the quality of concentrated tangerine juice that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

FILL OF CONTAINER

§ 52.2933 Recommended fill of container The recommended fill of container is not incorporated in the grades of the finished product since fill of contamer, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated tangerine juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2934 Ascertaining the grade— (a) General. The grade of concentrated tangerine juice for manufacturing is ascertained by examining the concentrate and the reconstituted juice; and in addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) Factors not rated by score points.

(i) Degree of gelation.

(ii) Faculty of reconstituting properly.

(2) Factors rated by score points. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	40
Defects	
Flavor	. 40
Fotol core	100

§ 52.2935 Ascertaining the rating for the factors which are scored. The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2936 Color-(a) (A-Mfg) classification. Concentrated tangerine juice of which the reconstituted juice possesses a good color may be given a score of 34 to 40 points. "Good color" means that the color is a reasonably bright yellow to yellow-orange color typical of properly processed and properly concentrated tangerine juice and is practically free from browning due to scorching, oxidation, caramelization, or other causes.

(b) (C-Mfg) classification. If the reconstituted juice possesses a fairly good color, a score of 28 to 33 points may be given. Concentrated tangerine juice that falls into this classification shall not be graded above U.S. Grade C for Manufacturing or U.S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting "Fairly good color" means that rule) the tangerine juice may possess a typical fairly bright yellow to yellow-orange color that is reasonably free from browning due to scorehing, exidation, caramelization, or other causes.

(c) (SStd-Mig) classification. Concentrated tangerine juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule)

§ 52.2937 Defects-(a) General. The factor of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, and from other defects.

(1) "Pulp" means particles of mem-

brane, core, and peel.

(b) (A-Mfg) classification. Concentrated tangerine juice of which the reconstituted juice is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding 1/8 inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or edibility of the product.

(2) Juice cells and pulp that do not materially affect the appearance or edi-

bility of the product; and

(3) Other defects that are not more

than slightly objectionable.

(c) (C-Mfg) classification. If the reconstituted juice is fairly free from defects a score of 14 to 16 points may be given. Concentrated tangerine juice that falls into this classification shall not be graded above U.S. Grade C for manufacturing or U.S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). 'Fairly free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding 1/8 inch in diameter, provided such seeds or portions thereof do not certously affect the appearance or edibility of the product:

(2) Juice cells and pulp that do not seriously affect the appearance or edibility of the product; and

(3) Other defects that are not ma-

terially objectionable.

(d) (SStd.-Mfg) classification. Concentrated tangerine juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

§ 52.2938 Flavor-(a) (A-LIfg) classification. Concentrated tangerine juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated tangerine juice from properly processed and concentrated tangerine juice: that the flavor may range from high acidity to low acidity; is practically free from traces of scorehing, caramelization, oxidation, or terpene; and is free from off-flavors of any hind. To score in this classification the ratio of the Brix value to acid shall be not less than 9 to 1 nor more than 18 to 1.

(b) (C-Mfg) classification. If the re-constituted juice possesses a fairly good flavor, a score of 28 to 33 points may be Concentrated tangerine juice that falls into this classification shall not be graded above U.S. Grade C for Manufacturing or U.S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule) "Fairly good flavor" means a normal flavor for reconstituted concentrated tangerine juice; and that the flavor may range from high acidity to low acidity, may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from offflavors of any kind. To score in this classification the ratio of the Brix value

more than 21 to 1. (c) (SStd-Mfg) classification. If the concentrated tangerine juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Concentrated tangerine juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limit-

to acid shall be not less than 9 to 1 nor

ing rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2939 Explanation of terms and nalyses. (a) "Reconstituted juice" analyses. (a) means the product obtained by mixing thoroughly one part by volume of the concentrated tangerine juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated tangerine juice 6 parts by volume of water are added to produce a reconstituted juice. In the absence of any declared dilution factor the product is diluted with water to a Brix of between 10.6 and 11.6 degrees. Distilled water is used in reconstituting the product for testing flavor.
(b) "Reconstitutes properly" means

that the concentrate mixes readily into a tangerine juice which shows no graininess and that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder of approximately 250 millimeter capacity and approximately 11/3 inches in diameter.

(c) "Acid" means the percent by

weight of acid (calculated as anhydrous citric acid) in concentrated tangerine juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(d) "Brix value" of the concentrate is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See table I for corrections.)

TABLE I-CORRECTIONS FOR OBTAINING BRIX VALUE

Citric acid, anhydrous (percent by weight)	Correction to be added to refractom- eter sucrose value to ob- tain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractom- eter sucrose value to ob- tain degree Brix value
2.0	0.39 .43 .47 .51 .58 .62 .66	3. 6	0.70 .74 .78 .81 .85 .89 .93

(e) The "Brix" of reconstituted juice means the degree Brix as determined by a Brix hydrometer calibrated at 20 degrees Centigrade (68° Fahrenheit) and to which any applicable temperature correction has been applied.

LOT CERTIFICATION TOLERANCES

§ 52.2940 Tolerances for certification of officially drawn samples. (a) When certifying samples that have been officially drawn and which represent a specific lot of concentrated tangerine juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores:

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2941 Score sheet for concentrated tangerine juice for manufacturing.

Size and kind of container Container mark or identification Label (including reconstitution factor) Liquid measure (fluid ounces) Not weight Brix value of concentrate (corrected for acid) Anhydrous citric acid in concentrate (percent by weight) Brix value to acid ratio. Brix value to acid ratio. Recoverable oil (ml./100 grams) Reconstitutes properly: (Yes) (No)				
Factors Score points				
Color	40 (C-Mfg) 34-40 (C-Mfg) 123-33 (SStd-Mfg) 10-27 (A-Mfg) 17-20 (C-Mfg) 14-16 (SStd-Mfg) 10-13 (A-Mfg) 34-40			
Flavor				
Total score 100				

Grade for manufacturing...

1 Indicates limiting rule.

Effective time. The United States Standards for Grades of Concentrated Tangerine Juice (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the Federal Register.

Dated: September 26, 1955.

[SEAL] ROY W LENNARTSON,

Deputy Administrator

Marketing Services.

[F. R. Doc. 155-7902; Filed, Sept. 29, 1955; 8:49 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART-WHITE-PINE BLISTER RUST

MISCELLANEOUS AMENDMENTS

On August 31, 1955, there was published in the Federal Register (20 F R. 6386) a notice of proposed rule making concerning amendments of certain regulations supplemental to notice of quarantine No. 63 relating to the white-pine blister rust. After due consideration of all relevant matters presented, and under the authority of section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161) §§ 301.63-1, 301.63-3a, 301.63-3 (a) (1) 301.63-5 (a) (1), 301.63-6, and 301.63-7 of the regulations supplemental to notice of quarantine No. 63 (7 CFR, 1954 Supp., 301.63-1, 301.63-5, (a) (1) 301.63-6, and 301.63-7) are hereby amended in the following respects:

1. Section 301.63-1 is amended by adding thereto a paragraph (i) to read as follows:

(i) White-pine certificate. An official form issued by the Plant Pest Control Branch authorizing the interstate movement of five-leaved pines for reforestation purposes into noninfected States from nurseries in States outside thereof which are certified by the Plant Pest Control Branch as being adequately protected from blister rust infection to provide noninfected planting stock.

2. Section 301.63–3a is amended by deleting from the introductory paragraph thereof the word "California" and by deleting the portion therein relating to the movement into California of European black currant plants, and gooseberry and currant plants, other than European black currants.

3. Section 301.63-3 (a) (1) is amended to read as follows:

(a) Movement of five-leaved pines.
(1) As provided in § 301.63-5 (a) five-leaved pines may be moved interstate without restriction between the noninfected States of Arizona, Colorado, Nevada, New Mexico, Utah, and the noninfected part of California comprised of the counties of Contra Costa, Mariposa, Mono, San Francisco, San Joaquin, Stamislaus, and all those south thereof. Five-leaved pines may not be moved interstate into these areas from any other part of the United States except when intended for reforestation purposes, when they have been grown

in a nursery protected from blister rust infection, and when accompanied by a white-pine certificate issued for such movement by the Plant Pest Control Branch.

4. Section 301.63-5 (a) (1) is amended to read as follows:

§ 301.63-5 Conditions governing interstate movement of regulated articles-(a) Five-leaved pines. (1) Fiveleaved pines may be moved interstate without restriction between the following noninfected States or parts thereof when they have originated therein, namely · Arizona, Colorado, Nevada, New Mexico, Utah, and the noninfected part of California comprising the counties of Contra Costa, Mariposa, Mono, San Francisco, San Joaquin, Stanislaus, and all of those south thereof. Five-leaved pines may not be moved interstate into the above-described areas from any other part of the United States, except when intended for reforestation purposes, when they have been grown in a nursery protected from blister rust infection, and when accompanied by a white-pine certificate issued for such movement by the Plant Pest Control Branch.

5. Section 301.63-6 is amended to read as follows:

§ 301.63-6 Conditions governing the issuance and use of white-pine certificates and control-area permits—(2) White-pine certificates. Certificates authorizing the interstate movement of white pine into the noninfected areas as designated in § 301.63-5 (a) (1) from points outside thereof may be issued for such pine when it is intended for reforestation purposes and when it has been grown in nurseries adequately protected from white-pine blister rust infection to provide noninfected planting stock as determined by the Plant Pest Control Branch. Application for white-pine certificates shall be made to the Plant Pest Control Branch, Agricultural Research Service, Washington 25, D. C.

(b) Control-area permits. area permits may be issued for the interstate movement of gooseberry and ourrent plants, except for European black currants, into control areas as designated in administrative instructions of the Chief of the Plant Pest Control Branch when the planting locations are not within infective distance of protected pine and movement thereto of such plants is not prohibited. Applications for control-area permits shall be made to the Federal representative in the State of destination as designated in the administrative instructions, giving names and addresses of consignee and consignor and kind and number of plants to be shipped.

(c) Use of certificates and permits. White-pine certificates or control-area permits, when required as a condition of interstate movement of regulated articles, must be securely attached to the outside of each container of regulated articles, except that for carload and other bulk shipments by rail, the certificate or permit shall accompany the waybill and for shipment by truck or

other road vehicle the certificate or permit shall accompany the vehicle and be surrendered to the consignee on delivery of the shipment.

Section 301.63-7 is amended to read as follows:

§ 301.63-7 Cancellation of white-pine certificates and control-area permits. White-pine certificates and control-area permits issued under the provisions of these regulations may be withdrawn or cancelled by the Plant Pest Control Branch for failure of compliance with the conditions of these regulations, or whenever the further use of such certificates or permits might result in the spread of the white-pine blister rust.

These amendments to the regulations restore provisions, deleted in an amendment effective April 25, 1952, which allow the movement of five-leaved pines into noninfected States when such pines are intended for reforestation purposes, when they have been grown in a nursery protected from blister rust infection, and when they are accompanied by a certificate issued for such movement by the Plant Pest Control Branch. These provisions were deleted in 1952 because noninfected States had indicated that they were able to grow within their noninfected areas the quantities of white-pine seedlings they require for reforestation. This has not proved feasible in all noninfected States. Consequently, there has been a request for the restoration of the deleted provisions.

The amendment of § 301.63-3 (a) (1) also deletes therefrom reference to the States of Georgia, Kentucky, South Carolina, and Tennessee, in order to conform this subsection to a similar revision of § 301.63-5 (a) (1) effective April 25, 1952.

Another amendment deletes Calaveras and Tuolumne Counties from the portion of California designated as noninfected in §§ 301.63–3 (a) (1) and 301.63–5 (a) (1) Furthermore, all reference to California is deleted from the administrative instructions designating white-pine blister rust control areas. The latter restriction is no longer necessary to supplement the control program in the State, since State authority is utilized to compel the removal of any planted ribes that might spread infection in localities that comprised the former California control area.

Most of the foregoing amendments constitute a relieving of restrictions here-tofore in effect. All amendments should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the white-pine blister rust and in permitting the movement of five-leaved pines under certain conditions. Good cause is found, therefore, for issuing them effective less than 30 days after publication in the FEDERAL REGISTER, as provided in section 4 of the Administrative Procedure Act (5 U. S. C. 1003)

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These amendments shall be effective September 30, 1955.

Dene at Washington, D. C., this 26th day of September 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-7913; Filed, Sept. 29, 1955; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO 231-A6]

PART 943—HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

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223,111 Separability of provisions.

Authority: \$5 943.0 to 943.111 issued under sec. 5, 49 Stat. 763, as amended; 7 U.S. C. 692c.

§ 943.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 980) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of mill: produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which effect market supplies of and demand for such mills, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and whole-

some milk and be in the public interest; and

- (3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.
- (b) Additional findings. (1) It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1955. Any delay beyond that date will seriously threaten the orderly marketing of milk in the North Texas marketing area.
- (2) The provisions of the said order are known to handlers. The decision of the Acting Secretary containing all amendment provisions of this order was issued September 13, 1955. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective October 1, 1955, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the Federal Register (See Sec. 4 (c) Administrative Procedure Act, 5 U.S.C. 1001 et seq.)
- (c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the North Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:
- (1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act:
- (2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area, and
- (3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1955) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 943.1 Act. "Act" means Public Act No. 10, 73d Congress, as amended, and as

reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

- § 943.2 Secretary. "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.
- § 943.3 Department. "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this subpart.
- § 943.4 *Person*. "Person" means any individual, partnership, corporation, association, or any other business unit.
- § 943.5 Cooperative association. "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:
- (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and
- (b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.
- § 943.6 North Texas marketing area. "North Texas marketing area," hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.
- § 943.7 Route. "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.
- § 943.8 Distributing plant. "A distributing plant" means any milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A fluid milk products and from which any such products are disposed of on a route(s) in the marketing area.
- § 943.9 Supply plant. "Supply plant" means any plant approved by and under the routine inspection of the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area; and
- (a) During the month 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20; or
- (b) During the last month of any four or less consecutive months during which period an average of 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20 and 15 percent or more

of such receipts are thus moved and assigned during the month; or

(c) During each of the months of January through August, if (1) such plant was a supply plant pursuant to paragraph (a) or (b) of this section during each of the immediately preceding months of September through December, except for 1956 the months of October through December 1955 shall be used: Provided, That to remain a supply plant during the month of August, 15 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20, and (2) the operator of such plant has filed a written request on or before January 31 with the market administrator requesting that such plant be designated as a supply plant through August of such year.

§ 943.10 Pool plant. "Pool plant" means (a) a distributing plant, (b) a supply plant or (c) any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is operated by a cooperative association and (1) 75 percent or more of the producer milk from members of such association is delivered during the month directly to the pool plants of other handlers or transferred by such association to the pool plant(s) of other handlers, or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September, October, November and December. except for 1956 the months of October through December shall be used.

§ 943.11 Nonpool plant. "Nonpool plant" means any milk manufacturing, processing or packaging plant other than a pool plant described in § 943.10.

§ 943.12 Handler "Handler" means: (a) any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such cooperative association; or

Any cooperative association with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler if (1) during the same month such cooperative association is a handler pursuant to paragraph (a) or (b) of this section with respect to any milk of such producer and (2) such association notifies the handler and the market administrator in writing of its intent to become a handler with respect to such milk prior to delivery. Such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of §§ 943.41 (b) (5), 943.42, 943.46 (a) (4) and the proviso in §§ 943.53 and 943.97.

§ 943.13 Producer "Producer" means any person, except a producer-handler,

who produces milk approved by the applicable health authority having jurisdiction in the marketing area for consumption as Grade A milk which milk is received at a pool plant: Provided, That if such milk is diverted by a handler for his account from a pool plant to a nonpool plant any day during the months of January through July and on not more than 15 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any such person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval.

§ 943.14 Producer milk. "Producer milk" means skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 943.13.

§ 943.15 Fluid milk products. "Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, cream and any other product defined as Class I milk pursuant to § 943.41 (a) (1) and (2).

§ 943.16 Other source milk. "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the pool plant during the

§ 943.17 Producer-handler ducer-handler" means any person who produces milk and operates a distributing plant, but who receives no milk from producers.

§ 943.18 Base milk. "Base milk" means producer milk received by a handler during any of the months of April through June of 1956 and March through June of each year thereafter which is not in excess of each producer's daily average base computed pursuant to § 943.80 multiplied by the number of days in such month for which such producer delivered milk.

§ 943.19 Excess milk. "Excess milk" means milk received by a handler during any of the months of April through June of 1956 and March through June thereafter which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 943.80.

§ 943.20 Reserve supply credit. The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk at the distributing plant during the month, deduct Class I sales to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

MARKET ADMINISTRATOR

§943.25 Designation. The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 943.26 Powers. The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions:

(b) To receive, investigate, and report to the Secretary complaints of violations:

(c) To make rules and regulations to effectuate its terms and provisions; and (d) To recommend amendments to the Secretary.

§ 943.27 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions:

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator:

(d) Pay out of funds provided by § 943.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 943.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate:

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends:

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to

§§ 943.30 to 943.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 943.33; or

(3) Made payments pursuant to §§ 943.90 to 943.95, inclusive:

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the mills so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the price determined for each

month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 943.51 (a) and the Class I butterfat-differential pursuant to § 943.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 943.51 (b) and the Class II butterfat differential pursuant to § 943.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 943.72 or § 943.73, as applicable, and the butterfat differential computed pursuant to § 943.91, both applicable to milk delivered during the preceding month:

(h) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(1) Furnish to a cooperative association for its members the data furnished pursuant to § 943.31 (a).

REPORTS, RECORDS AND FACILITIES

§ 943.30 Reports of receipts and utilization. On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk and for the base-operating months, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts of fluid mill: products from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid mill: products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section:

- (f) The disposition of fluid milk products on routes wholly outside the marketing area, and
- (g) Such other information with respect to receipts and utilization as the market administrator may prescribe.
- § 943.31 Payroll reports. On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall
- (a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer, and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;
- (b) The amount of payment to each producer and cooperative association; and
- (c) The nature and amount of any deductions or charges involved in such payments.
- § 943.32 Other reports. (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.
- (b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.
- § 943.33 Records and facilities. Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:
- (a) The receipts and utilization of all receipts of producer milk and other source milk;
- (b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled; (c) Payments to producers and co-

operative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 943.34 Retention of records. books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and

records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

- § 943.40 Skim milk and butterfat to be classified. All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 943.30 shall be classified by the market administrator pursuant to the provisions of §§ 943.41 to 943.46, inclusive.
- § 943.41 Classes of utilization. Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:
- (a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:
- (1) Disposed of in the form of milk. skım milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk;
- (2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and
- (3) All other skim milk and butterfat not specifically accounted for as Class II milk:
- (b) Class II milk shall be all skim milk and butterfat;
- (1) Used to produce any product other than those specified in paragraph (a) of this section:
 - (2) Disposed of for livestock feed;
- (3) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: Provided, That the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the
- (4) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;
- (5) In shrinkage up to 2 percent (5 percent, with respect to receipts of skim milk during the months of April, May and June) of skim milk and butterfat in receipts from producers;
- (6) In shrinkage of other source milk;
- (7) In inventory at the end of the month of fluid milk products.
- § 943.42 Shrinkage. The market administrator shall allocate shrinkage over a handler's receipts as follows:
- (a) Compute the total shrinkage of skim milk and butterfat for each handler: and

- (b) Prorate the resulting amounts between skim milk and butterfat in receipts from producers and in other source milk.
- § 943.43 Responsibility of handlers. All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.
- § 943.44 'Transfers. Skim milk or butterfat disposed of by a handler from a pool plant, including transfers made by a cooperative association pursuant to § 943.12 (c) shall be classified:
- (a) As Class I milk if transferred or diverted for not more than 7 days during the month in the form of fluid milk products to the pool plant of another handler (other than a producer-handler) except as:
- (1) Utilization in Class II milk is claimed by the operator of both plants in their reports submitted pursuant to § 943.30:
- (2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and
- (3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the greatest possible Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month: Provided, That this subparagraph shall not operate to classify as Class I milk any skim milk and butterfat transferred in the form of cream from ungraded sources for manufacturing purposes only from a pool plant at which ungraded milk is regularly received from dairy farmers;
- (b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;
- (c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the Counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee and Wood Counties in the State of Texas: Carter, Comanche, Grady, Muskogee and Cleveland Counties in the State of Oklahoma; Benton, Scott, Franklin, and Sebastian in the State of
- (d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located inside of the marketing area or inside of any of the counties named in paragraph (c) of this section unless:
- (1) The handler claims classification as Class II milk in his report submitted pursuant to § 943.30;
- (2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification:
- (3) The classification reported by the handler results in an amount of Class I

skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpcol plant, subtract the packaged fluid milk products received at such plant the skim milk and butterfat received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced;

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(e) On the basis of the conditions and the allocation procedure described in paragraph (d) of this section at a second nonpool plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant located within the area described in paragraph (c) of this section and from which all receipts of milk or skim milk are moved in bulk to such a second nonpool plant for further processing; and

(f) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced.

§ 943.45 Computation of the skim milk and butterfat in each class. For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat, respectively in Class I milk and Class II milk for such handler: Provided, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained an such product, plus all of the water originally associated with such solids.

§ 943.46 Allocation of slim mill: and butterfat classified. After making the computations pursuant to § 943.45, the market administrator chall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in

the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 943.41 (b) (5)

(2) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk received as Class II milk in the form of cream from ungraded sources from the pool plant of another handler at which ungraded milk is regularly received from dairy farmers:

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act:

(4) Subtract from the remaining pounds of skim milk in Class II milk, 5 percent of the skim milk contained in producer milk receipts or the remaining pounds of skim milk in Class II milk whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II mill:, the pounds of skim milk in other source milk which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month:

(8) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in the form of fluid milk products (other than that subtracted pursuant to subparagraph (2) of this paragraph) according to the classification thereof determined pursuant to § 943.44 (a),

(9) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(10) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer mill; subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so sub-tracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim mill: and butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

DECRETAGE PRICES

§ 943.50 Basic formula price to be . used in determining Class I prices. The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Overstor and Location

Borden Co., Mount Pleacant, Hich.

Carnation Co., Spart., Mich. Pet Milk Co., Hudon, Mich. Pet Milk Co., Wayland, Mich Pet Mill: Co., Cooperaville, Mich. Borden Co., Orfordville, Wis. Borden Co., New London, Wis. Carnation Co., Richland Center, Wis. Carnation Co., Oconomowoc, Wis. Pet Lilli: Co., New Glarus, Wis. Pet Lilli: Co., Belleville, Wis. White House Mill: Company, Manitowes, wis.

White House Milk Company, West Bend, WIS.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bull: creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids. spray and roller process, respectively, for human consumption, f. o. b. manufac-turing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Precent Operator and Location

Carnation Co., Sulphur Springe, Tex. The Borden Co., Mount Pleacant, Tex. Lamar Creamery, Paris, Tex.

§ 943.51 Class prices. Subject to the provisions of § 943.52 and § 943.53, the minimum prices per hundredweight to be paid by each handler for mill: received at his pool plant from producers during

the month shall be as follows:
(a) Class I mill: The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus \$2.00 for the months of March through June and plus \$2.20 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) For each month calculate a utilization percentage (to the nearest whole percentage) by dividing the total pounds of milk received from all producers at pool plants during the second and third preceding months by the total pounds of Class I milk (adjusted to eliminate duplications due to interhandler transfers) disposed of from such plants during the same 2-month period; and

(2) For each percentage that the utilization percentage is less than the minimum percentage listed below for the applicable 2-month period the Class I price shall be increased 3 cents, and for each percentage that the utilization percentage is more than the maximum percentage listed below for such 2-month period the Class I price shall be decreased 3 cents:

PERCENTAGES

2-month period	Mini- mum	Maxi- mum	Month to which adjust- ment applies
January-February February-March March-April April-April April-May May-June June-July June-July July-August August-September September-October October-November November-Jecember December-January	123 132 138 142 138 131 123 115 107 108 114 118	125 134 140 144 143 125 117 109 110 116	April. May. June. July. August. September. October. November. December. January. February. March.

(b) Class II milk. For each of the months of April, May and June, the price computed pursuant to § 943.50 (c) and for each of the other months of the year, the higher of the prices computed pursuant to § 943.50 (b) or (c) rounded in each case to the nearest one-tenth cent.

Butterfat differentials to handlers. If the average butterfat content of the milk of any handler allocated to any class pursuant to § 943.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 943.51, for each onetenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each onetenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) Class I milk. Multiply such price for the preceding month by 0.125:

(b) Class II milk. Multiply such price for the current month by 0.115, except during the months of March, April, May and June multiply by 0.110.

§ 943.53 Location differentials to handlers. For that milk which is received from producers at a pool plant located

110 miles or more from the City Hall, of Dallas, Texas, and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk, the price specified in § 943.50 (a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such pool plant is located from the Dallas City Hall by shortest hard-surfaced highway distance, as determined by the market administrator: Provided, That for purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 943.46 (a) (1) through (7) and the corresponding steps in § 943.46 (b) for such plant less 5 percent of the receipts of producer milk at such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

APPLICATION OF PROVISIONS

§ 943.60 Producer-handlers. Sections 943.40 through 943.46, 943.50 through 943.73, 943.80 through 943.81, and 943.90 through 943.97 shall not apply to a producer-handler.

§ 943.61 Plants subject to other Federal orders. A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool milk plant during the month except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 943.30) and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant through routes in the North Texas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant pursuant to § 943.9 for each of the preceding months of September through December.

§ 943.70 Computation of value of milk. The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to

§ 943.46 (a) (10) by the applicable class price(s) and

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat in Class II milk after making the calculations for such handler pursuant to § 943.46 (a) (8) and the corresponding step of (b) for the preceding month or by the hundredweight of skim milk or butterfat subtracted from Class I milk pursuant to § 943.46 (a) (7) and the corresponding step of (b) for the current month, whichever is less respectively.

§ 943.71 Computation of aggregate value used to determine uniform price(s) For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 943.70 for all handlers who made the reports prescribed in § 943.30 and who made the payments pursuant to §§ 943.90 and § 943.93 for the preceding month;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 943.94;

(c) Subtract if the average butterfat content of the milk included in theso computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 943.91 (a) and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the location differentials to producers pursuant to § 943.91 (b)

§ 943.72 Computation of uniform price. For each of the months of July through February, and for March of 1956, the market administrator shall compute the uniform price per hundred-weight for producer milk of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 943.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents,

§ 943.73 Computation of uniform prices for base milk and excess milk. For each of the months of April through June 1956, and March through June, thereafter, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 943.71 by multiplying the hundred-

weight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 butterfat content, plus 4 cents, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts:

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk.

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 943.71,

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

DETERMINATION OF BASE

§ 943.80 Computation of daily average base for each producer For the months of April through June of 1956 and March through June of each year thereafter the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 943.81,

(a) Divide the total pounds of producer milk received from such producer at a pool plant(s) during the immediately preceding base-forming period of October 1955 through January 1956 and September through December, thereafter, by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or by 90 through January 1956 and by 112 thereafter, whichever is more.

§ 943.81 Base rules. (a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 943.80 to each person for whose account producer milk was delivered to pool plants during the base-forming period:

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*. That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, or assigns.

§ 943.90 Time and method of payment. Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 943.72 and 943.73, adjusted by the butterfat differential computed pursuant to § 943.91 (a) and the location differential computed pursuant to § 943.91 (b) and less the amount of the payment made pursuant to paragraph (b) of this section: Provided, That if by such date such handler has not received full payment for such month pursuant to § 943.94 he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose mill: such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be acompanied by a statement showing for each producer the items required to be reported pursuant to § 943.31.

(d) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 943.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 943.91 Butterfat and location differentials to producers. (a) In making payments pursuant to § 943.90 (a) or (c) there shall be added to, or subtracted from the uniform price for each onetenth of one percent that the average butterfat content of the mill: received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table: Butterfat

	differential
sutter price:	(cents)
20.0-29.99 cents	3
30.0-39.99 cents	4
40.0-49.99 cents	5
50.0-59.99 cents	
60.0-69.99 cents	7

	عسا (کاټامامانا د
Ĝ:	<i>:ffcrential</i>
Butter price—Con.	(cents)
70.0-73.93 cents	
80.0-83.93 cento	3
80.0-33.93 cents	10
\$1.00-\$1.10	11

(b) In making payments to producers pursuant to § 943.90 (a) or (c) the applicable uniform prices to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas City Hall.

§ 943.92 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 943.93, and out of which he shall make all payments to handlers pursuant to § 943.94.

§ 943.93 Payments to the producersettlement fund. On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 943.70 is greater than the amount required to be paid producers by such handler pursuant to § 943.90.

§ 943.94 Payments out of the producer-settlement fund. On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 943.70 is less than the amount required to be paid producers by such handler pursuant to § 943.90: Provided, That if the balance in the producercettlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: And prorided further That any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 943.93. 943.95, 943.96 or 943.97.

§ 943.95 Adjustment of accounts—(a) Payments. Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

- (1) The market administrator from such handler;
- (2) Such handler from the market administrator; or
- (3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or

before the next date for making payments set forth in the provisions under which such error occurred.

(b) Overdue accounts. Any unpaid obligation of a handler or of the market administrator pursuant to §§ 943.90, 943.93, 943.94, 943.96, 943.97 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 943.96 Marketing services. (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 943.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 943.97 Expenses of administration. As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 943.46 and (b) milk from producers (including such handler's own production)

§ 943.98 Termination of obligation. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the han-

dler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed. or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 943.100 Effective time. The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 943.101.

§ 943.101 Suspension or termination. The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 943.102 Actions after suspension or termination. If, upon the suspension or

termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 943.103 Liquidation. Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 943.110 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 943.111 Separability of provisions. If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C. this 28th day of September 1955, to be effective on and after October 1, 1955.

[SEAL]

EARL L. BUTZ, Assistant Secretary.

[F. R. Doc. 55-7944; Filed, Sept. 29, 1955; 8:53 a. m.]

[Docket No. AO 232-A4]

PART 949—HANDLING OF MILK IN THE SAN ANTONIO, TEXAS, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE SAN ANTONIO, TEXAS, MARKETING AREA

§ 949.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determina-

tions may be in conflict with the findings and determinations set forth herein.

- (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area, Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:
- (1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as a mended, and as hereby further amended, will tend to effectuate the declared policy of the act;
- (2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and
- (3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.
- (b) Additional findings. It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1955. Any delay beyond that date will seriously threaten the orderly marketing of milk in the San Antonio, Texas, marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 23, 1955. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective October 1, 1955, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the Federal Register. (See Sec. 4 (c) Administrative Procedure Act: 5 U.S.C. 1001 et seq.)

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended,

- which is marketed within the San Antonio, Texas, marketing area) or more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:
- (1) The refusal or failure of such handlers to sign said proposed marketmg agreement tends to prevent the effectuation of the declared policy of the act:
- (2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and
- area; and
 (3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1955) were engaged in the production of mill: for sale in the said marketing area.

ORDER RELATIVE TO HAMBLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the San Antonio, Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as a mended, and as hereby further amended, as follows:

- 1. Delete the proviso in § 949.7 and substitute therefor the following: "Provided, That a pool plant shall include any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is operated by a cooperative association and 75 percent or more of the producer milk from members of such association is received during the month at the pool plants of other handlers or is transferred to such plants from the plant of the cooperative association."
- 2. In § 949.46 (a) delete subparagraph (4) and substitute therefor the follow-
- (4) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received from a nonpool plant in the form of packaged Class I products which are not in excess of the pounds of skim milk transferred to such plant from the pool plant of the handler in fluid form and classified as Class I milk.
- 3. Delete §§ 949.51 and 949.52 and substitute therefor the following:
- § 949.51 Class I milk. The Class I milk price shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area plus 42 cents.
- 4. Renumber §§ 949.53, 949.54 and 949.55 and all references to them wherever they appear in the order to read "§§ 949.52, 949.53 and 949.54", respectively.
- 5. Delete § 949.80 and substitute the following therefor:
- § 949.80 Time and method of payment. Except as provided in paragraph

- (c) of this section, each handler shall make payment to each producer for mills received from such producer as follows:
- (a) On or before the last day of each month, for mill: received during the first 15 days of such month at not less than the price per hundredweight for Class II mill: for the preceding month;
- (b) On or before the 15th day after the end of the month during which the mill: was received at not less than the uniform price per hundredweight computed for such month pursuant to § 949.71 subject to the following adjustments: (1) The butterfat differential pursuant to § 949.81, (2) the payment made pursuant to paragraph (a) of this section, (3) marketing service deductions pursuant to § 949.86, and (4) proper deductions authorized by such producer: Provided, That if by such date such handler has not received full payment pursuant to § 949.84, he may reduce his total payment to all producers pro rata by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance due from the market administrator:
- (c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their mill: and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative accoclation each handler shall pay to the cooperative association on or before the 26th and 13th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.
- (2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.
- (d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show.

- (1) The month for which payment is made and the identity of the handler and of the producer.
- (2) The total pounds and average butterfat test of milk received from such
- (3) The minimum rate or rates at which payment to such producer is required.
- (4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;
- (5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and
- (6) The net amount of payment to such producer.

(Sec. 5, 49 Stat. 753, as amended: 7 U.S. C.

Issued at Washington, D. C., this 28th day of September 1955, to be effective on and after October 1, 1955.

[SEAL]

EARL L. BUTZ. Assistant Secretary.

[F R. Doc. 55-7945; Filed, Sept. 29, 1955; 8:53 a. m.]

[Docket No. AO 252-A1]

PART 952-HANDLING OF MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED. REGULATING THE HANDLING OF MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

- § 952.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.
- (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Austin-Waco, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:
- (1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;
- (2) The parity prices of milk produced for sale in the said marketing areas as determined pursuant to section 2 of the

act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing

has been held.

(b) Additional findings. (1) It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1955. Any delay beyond that date will seriously threaten the orderly marketing of milk in the Austin-Waco, Texas, marketing area.

- (2) The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 23, 1955. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective October 1, 1955 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the Feb-ERAL REGISTER. (See Sec. 4 (c) Administrative Procedure Act, 5 U.S. C. 1001 et seq.)
- (c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended. which is marketed within the Austin-Waco, Texas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:
- (1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;
- (2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the de-clared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and
- (3) The issuance of this order amending the order, as amended, is approved or favored by at least three-fourths of the producers who, during the determined representative period (July 1955). were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete § 952.44 (a) and substitute

therefor the following:

- (a) In the classification indicated by both handlers in their reports submitted for the month to the market administrator pursuant to § 952.30 if transferred in the form of products designated as Class I milk in § 952.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler Provided, That the percentage of the total quantities of skim milk and butterfat, respectively, in products thus transferred and assigned to Class I milk shall not be greater than the percentage of skim milk and butterfat in producer milk classified as Class I milk in the plant of the transferee handler. And provided further, That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers.
- 2. In § 952.50 delete "45 cents" and substitute therefor "38 cents."
- 3. Delete § 952.53 and substitute therefor the following:
- § 952.53 Location adjustments to handlers. For that milk which is received from producers at a fluid milk plant located outside of Zone I and classified as Class I milk the price specified in § 952.50 shall be reduced 1.5 cents for each 10 miles or fraction thereof by the straight line distance as determined by the market administrator that the County Court House of the county in which such plant is located is from the County Court House in New Braunfels, Texas.
- 4. Add a new section to read as follows:
- § 952.54 Use of equivalent prices. If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.
- 5. Delete § 952.92 and substitute therefor the following:
- § 952.92 Location differential to producers. In making payment to producers pursuant to § 952.90, the uniform price and the base price to be paid for producer milk received at a fluid milk plant located outside of Zone I shall be reduced 1.5 cents for each 10 miles or fraction thereof by the straight line distance as determined by the market administrator that the County Court House of the county in which such plant is located is from the County Court House in New Braunfels, Texas.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. tee, whichever is earlier, and (b) Part II

Issued at Washington, D. C., this 28th day of September 1955, to be effective on and after October 1, 1955.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-7943; Filed, Sept. 29, 1955; 8:53 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1110—ASSIGNMENT OF PAYMENT
CHANGE IN PERIOD OF TIME FOR EXECUTING
AND FILING ASSIGNMENTS

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, the Assignment of Payment Regulations, approved August 30, 1955 (20 F. R. 6511) are amended as follows:

Section 1110.7 is amended by striking out in the first sentence the language "application for payment is made by the assignor" and inserting in lieu thereof the language "the payment covered by the assignor's application for payment is approved by the county committee"

Section 1110.8 is amended by striking out in the first and second sentences the language "application for payment is made by the assignor" wherever it appears and inserting in lieu thereof the language "the payment covered by the assignor's application for payment is approved by the county committee"

Section 1110.16 (d) is amended (a) by striking out in the second sentence the language "at the time or immediately prior to the time the application for payment is signed by the assignor" and inserting in lieu thereof the language "prior to the time the payment covered by the assignor's application for payment is approved by the county committee" and (b) by striking out in the third sentence the language "application for the payment assigned is being prepared" and inserting in lieu thereof "payment covered by the assignor's application for payment is being approved by the county committee"

Section 1110.17 is amended by revising the first sentence to read as follows: "When the indebtedness in respect of which an assignment was given is fully paid or otherwise discharged prior to the time the payment covered by the assignor's application for payment is approved by the county committee, the assignee shall forthwith execute Part III of Form ACP-69 and file it in the county office."

Section 1110.19 is amended by revising the first sentence to read as follows: "An assignment shall not be recognized by the United States unless (a) Part I of Form ACP-69 is executed and is filled in the county office on or prior to the closing date of the program for the county, or prior to the time the payment covered by the assignor's application for payment is approved by the county commit-

tee, whichever is earlier, and (b) Part II of Form ACP-69 is executed and is filed in the county office prior to the time the payment covered by the assignor's application for payment is approved by the county committee."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply sec. 8, 49 Stat. 1150, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 27th day of September 1955.

[SEAL]

E. L. Peterson, Assistant Secretary.

[F. R. Doc. 55-7912; Filed, Sept. 29, 1905; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

(Reg. No. SR-413)

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATION; REQUIRE-MENTS FO PILOT ROUTE QUALIFICATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of September 1955.

Section 41.50 of Fart 41 of the Civil Air Regulations provides in part that a pilot in qualifying over a route shall make at least one round trip or two one-way trips over the route, including a familiarization flight at each regular, provisional, or refueling airport, with one of the air carrier's check pilots.

On January 20, 1955, the Bureau of

On January 20, 1955, the Bureau of Safety Regulation published Civil Air Regulations Draft Release No. 53-3, "Scheduled Air Carrier Pilot A'rport Qualification Without Prior Take-Off and Landing." This proposal was concerned with the over-all problems of pilot airport and route qualification. Considerable emphasis was placed, in particular, on recent developments of motion picture panoramic views of airports and their environs which showed excellent promise of providing an effective means for msuring pilot airport qualification.

The objective of this draft release was described in the preamble in part as follows: "The Bureau is of the opinion that, with necessary safeguards, the regulations should be amended in a manner that will encourage further research and development of the visual training aids program by various commercial sources and at the same time provide more acceptable airport qualification rules for use in the meantime. Accordingly, it would seem appropriate to permit methods of airport qualification other than physical entry, provided that such alternative methods have the approval of the Administrator." Response to the draft release was generally favorable.

During consideration of the comment in response to Draft Release No. 55-3, Pan American World Airways, Inc. (PAA) petitioned the Board to permit qualification of pilots in command commencing September 26, 1955, on the Manila-Saigon-Singapore route by means other than those presently required by \S 41.50 of the Civil Air Regulations.

PAA based its request on the following considerations: PAA plans to start operations over this route using B-377 aircraft on September 26, 1955; under the present requirements of Part 41 it would be necessary for PAA to qualify 44 pilots and 12 check pilots over routes and into airports for the Manila-Saigon-Singapore-Manila route; aside from the economic factor required for movement of this pilot group, the time element would be excessive, requiring eight months; PAA has developed a comprehensive training program based on the use of color motion pictures including clear daylight views of the complete physical layout of the airports, surrounding terrain, obstructions, approaches to all runways, restricted areas, and conspicuous reference points that are of value to the pilot; there films will also include a running narrative of various conditions pertinent to airport familiarization; an anamorphic lens will be used for widecereen projections; in addition to viewing motion pictures, each pilot will be required to complete successfully a written and oral examination on the subjects listed in Draft Release No. 55-3 with respect to the route to be flown, including demonstration to a check pilot in a flight simulator of his ability to fly the holding and instrument approach procedure for each required airport; PAA's check pilots in cooperation with the Civil Aeronautics Administration will monitor the effectiveness of this method of airport and route qualifications by periodic spot checking over the route.

The Administrator of Civil Aeronautics has cooperated with PAA in the development of its proposed qualification program and is actively interested in exploring fully the possibilities offered by this new medium of airport qualification. The Board has also been advised that the pilots to serve in the proposed operations consider that they are not in a position either to concur or disagree with PAA's proposed qualification procedures without operational evaluation. The Board is appreciative of the pilots' prudence in this respect, but is confident that the pilots will cooperate fully with CAA, CAB, and PAA in the search for less burdensome means of airport route qualification. In fact, the Board has been advised that procedures have been agreed upon by PAA, CAA, and the pilots whereby the first eight pilots who are qualified for the Manila-Saigon-Singapore route by pictorial means will be accompanied by a check pilot on their initial scheduled trip. An evaluation of these trips will be made prior to the Administrator's endorsement of any means of airport qualification other than those required by § 41.50.

PAA's program will provide a timely opportunity for evaluation of a pictorial means of airport and route qualification by industry and government alike. The Board is of the opinion that a Special Civil Air Regulation is the appropriate vehicle for permitting the controlled introduction of the new techniques. This method will permit PAA, with the Administrator's approval, to proceed with

its plans and will also permit other carriers to request of the Administrator similar approval should they be in the position to do so. It should be noted that this regulation will not relieve any air carrier of the responsibility of showing that each pilot in command is thoroughly qualified for the routes and airports which he is scheduled to serve. Nothing in this regulation should be construed to prejudice final action by the Board on the proposals presented in Draft Release No. 55-3.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective September 23, 1955.

Contrary provisions of Part 41 of the Civil Air Regulations nothwithstanding, an air carrier conducting scheduled operations outside the continental limits of the United States may, subject to the approval of the Administrator, comply with the following provisions in lieu of the provisions of § 41.50:

- (a) The air carrier shall be responsible that each pilot in command is thoroughly qualified for the route over which he is to fly aircraft in scheduled air transportation as a pilot in command. An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve at least in accordance with paragraphs (b), (c), and (d) of this regulation and the appropriate instructor or check pilot has so certified.
- (b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to the route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier:
 - (1) Weather characteristics,
 - Navigational facilities, Communication procedures,
- Type of en route terrain and obstruction hazards,
 - (5) Minimum safe flight levels,
 - (6) Position reporting points,
- (7) Holding procedures,
 (8) Pertinent traffic control procedures,

(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

- (c) Each such pilot shall make his initial operation as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fiy. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the airport: *Provided*, That such operation shall not be required if the initial operation is made under VFR weather conditions: And provided further That such operation shall not be required if the air carrier shows that pilot airport qualification can be accomplished by other means approved by the Administrator.
- (d) On routes on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of adjacent terrain which is within a horizontal distance of 25 miles on either side of

the center line of the route to be flown, the pilot shall be familiarized with such route by not less than two one-way trips as pilot or additional member of the crew over the route under VFR weather conditions to permit the qualifying pllot to observe terrain along the route.

This regulation shall terminate September 23, 1956, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984, as amended: 49 U.S.C. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U.S. C. 551,

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN, Secretary.

[F. R. Doc. 55-7914; Filed, Sept. 29, 1955; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt, 62]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

- 1. Section 600.107 Amber civil airway No. 7 (Key West, Fla., to United States Canadian Border) is amended by deleting the portion which reads: "the intersection of the north course of the West Palm Beach, Fla., radio range and the southeast course of the Melbourne, Fla., radio range;"
- 2. Section 600.211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.) is amended by changing the portion which reads: "Vichy, Mo., radio range station to the intersection of the northeast course of the Vichy, Mo., radio range and the west course of the St. Louis, Mo., radio range." to read: "Vichy, Mo., nondirectional radio beacon to the inter-section of a line bearing 52° True from the Vichy nondirectional radio beacon and the west course of the St. Louis, Mo. radio range."
- 3. Section 600.225 Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.), is revoked.
 - 4. Section 600.298 is amended to read:
- § 600.298 Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.) From the Vichy, Mo., nondirectional radio beacon to the Belleville, Ill., Scott AFB radio range station.
- 5. Section 600.301 Red civil airway No. 101 (Tampa, Fla., to Miami, Fla.), 15 revoked.
 - 6. Section 600.601 is added to read:
- § 600.601 Blue civil airway No. 1

the Miami, Fla., radio range station via the intersection of the north course of the Fort Myers, Fla., radio range and the southeast course of the Tampa, Fla., radio range to the Tampa, Fla., radio range station.

7. Section 600.603 is amended by changing caption to read: "Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.), and by adding a first portion to read: "From the Miami, Fla., radio range station via the intersection of the west course of the Miami, Fla., radio range and the southeast course of the Fort Myers, Fla., radio range; Fort Myers, Fla., radio range station; the intersection of the north course of the Fort Myers, Fla., radio range and the southeast course of the Tampa, Fla., radio range; Tampa, Fla., radio range station; the intersection of the north course of the Tampa, Fla., radio range and the southeast course of the Cross City, Fla., radio range; Cross City Fla., radio rango station to the intersection of the northwest course of the Cross City, Fla., radio range and the east course of the Tallahassee, Fla., radio range."

8. Section 600.613 Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa), is amended by changing the name of the facility "Van Buren, Ark., nondirectional radio beacon" to read "Fort Smith, Ark., nondirectional radio beacon.'

9. Section 600.622 Blue civil airway

No. 22 (Memphis, Tenn., to Wichita, Kans.) is amended by changing the name of facility "Van Buren, Ark., nondirectional radio beacon" to read: "Fort Smith, Ark., nondirectional radio beacon."

10. Section 600.633 is amended to read:

§ 600.633 Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.) From the Lansing, Mich., radio range station to the Saginaw, Mich., nondirectional radio beacon.

- 11. Section 600.639 Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.), is amended by correcting the portion between the Tri-City, Tenn., radio range station and the Charleston, W Va., radio range station to read: "From the Tri-City, Tenn., radio range station via the Paynesville, W Va., nondirectional radio beacon; the intersection of a line bearing 14° True from the Paynesville, W Va., nondirectional radio beacon and the south course of the Charleston. W Va., radio range to the Charleston, W Va., radio range station."
- 12. Section 600.644 is amended to

§ 600.644 Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border) From the Indianapolis, Ind., radio range station via the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range; Fort Wayne, Ind., radio range station to the intersection of the northeast course of the Fort Wayne. Ind.. radio range and the east course of the Goshen, Ind., radio range. From the intersection of the north course of the Toledo, Ohio, radio range and the (Miami, Fla., to Tampa, Fla.) From southwest course of the Windsor, Ont., Ont., Canada, radio range and the United States-Canadian Border.

13. Section 600.6003 VOR civil arrway No. 3 (Key West, Fla., to Presque Isle, Maine), is amended by deleting the following words, "Daytona Beach, Fla., omnirange station, including a west alternate:" and by adding the following words in lieu thereof, "Daytona Beach, Fla., omnirange station:"

14. Section 600.6005 VOR civil arway No. 5 (Jacksonville, Fla., to Cleveland, Ohio) is amended by changing all between the Macon, Ga., omnırange station and the Bowling Green, Ky., omnirange station to read: "Macon, Ga., omnurange. station; intersection of the Macon omnirange 330° True and the Atlanta omnirange 102° True radials; Atlanta, Ga., omnirange station; including a west alternate from the Alma omnirange station to the Atlanta omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omni-range 151° True radials; intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station; Nashville, Tenn., omnirange station; Bowling Green, Ky., omnirange station:"

15. Section 600.6014 VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.) is amended by changing all before the Childress, Tex., omnırange station to read, "That airspace over United States territory from the Roswell, N. Mex., omnirange station via the Lubbock, Tex., omnirange station, including a north alternate via the intersection of the Roswell omnirange 063° True and the Lubbock omnirange 276° True radials; Childress, Tex., omnirange station;"

16. Section 600.6019 VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.) is amended by changing all between the Albuquerque, N. Mex., omnirange station and the Santa Fe, N. Mex., omnirange station to read: "Albuquerque, N. Mex., omnirange station; intersection of the Albuquerque omnırange 025° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station;"

17. Section 600.6022 VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.) is amended by changing all after the Marianna, Fla., omnirange station to read, "Marianna, Fla., omnirange station; Tallahassee, Fla., omnirange station, including a north alternate via the intersection of the Marianna omnirange 094° True and the Tallahassee omnirange 005° True radials; to the Jacksonville, Fla., omnurange station. Those portions of this airway above 19,000 feat above mean sea level, which lie within the Tyndall AFB Restricted Area (R-336) are excluded daily between sunset and sunrise."

18. Section 600.6031 is amended to

§ 600.6031 VOR civil airway No. 31 (Baltimore, Md., to Rochester, N. Y.) From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omni-

Canada, radio range to the intersection range station; Selinsgrove, Pa., omniof the southwest course of the Windsor, range station; Williamsport, Pa., omnions range station; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 354° True and the Rochester omnirange 130° True radials; to the Rochester, N. Y., omnirange station.

> 19. Section 600.6035 VOR civil airway No. 35 · (Tallahassee, Fla., to Syracuse, N. Y.) is amended by changing all before the Tri-City, Tenn., omnirange station to read: "From the Tallahassee, Fla., omnirange station via the Albany, Ga., omnirange station; Macon, Ga., omnirange station; Royston, Ga., omnirange station; Asheville, N. C., omnirange station; Tri-City, Tenn., omnirange station;" and by adding a new last portion to read: "The portion of this airway above 19,000 feet above mean sea level, which lies within the Tyndall AFB Restricted Area (R-336), is excluded daily between sunset and sunrise.

> 20. Section 600,6039 VOR civil airway No. 39 (Danville, Va., to Kennebunk, Maine), is amended by changing the last portion to read: "From the intersection of the Baltimore, Md., omnirange 015° True and the Allentown, Pa., omnirange 228° True radials via the Allentown, Pa., omnirange station; Stroudsburg, Pa., omnirange station; Poughkeepsle, N. Y., omnirange station; Gardner, Mass., omnirange station; Concord, N. H., omnirange station; to the Kennebunk, Maine, omnirange station."

21. Section 600.6051 VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.), is amended by changing all between the Macon, Ga., omnirange station and the Louisville, Ky., omnirange station to read; "Macon, Ga., omnirange station, intersection of the Macon omnirange 330° True and the Atlanta omnirange 102° True radials; Atlanta, Ga., omnirange station, including a west alternate from the Alma omnirange station to the Atlanta omnirance station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials; intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station; Crossville, Tenn., omnirange station; Louisville, Ky., omnirange station;"

22. Section 600.6054 is amended by changing the caption to read, "VOR civil airway No. 54 (Texarkana, Ark., to Charlotte, N. C.)," and by changing the last portion to read, "From the Chattanooga, Tenn., omnirange station via the Spartanburg, S. C., omnirange station; to the Charlotte, N. C., omnirange station."

23. Section 600.6056 VOR civil airway No. 56 (Montgomary, Ala., to Florence, S. C.), is amended by changing all after the Columbia, S. C., omnirange station to read: "Columbia, S. C., emnirance station; to the Florence, S. C., omnirange station, including a north alternate via the intersection of the Columbia omnirange 003° True and the Florence omnirange 268° True radials. The portions of this airway which overlap the Savannah River Airspace Reservation (P-378) and the Fort Benning Restricted Area (R-129) are excluded."

24. Section 600.6063 VOR civil airway No. 63 (McAlester Olila., to Milwauliee, Wis.), is amended by deleting the following words: "Janesville omnirange 047° True" and substituting the following words: "Janesville omnirange 651" True"

25. Section 600.6068 VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.) is amended-by deleting the following words: "Roswell, N. Mex., omnirange station, including a north alternate:" and substituting the following words in lieu thereof: "Roswell, N. Mex., omnirange station, including a north alternate via the intersection of the Corona omnirange 125° True and the Rostrell omnirange 335° True radials;"

26. Section 600.6033 is amended to read:

\$ 600.6033 VOR civil airway No. 83 (Carlsbad, N. Mex., to Santa Fe, N. Mex.) From the Carlsbad, N. Mex., omnirange station via the Roswell, N. Mex., omnirange station; Corona, N. Mex., omnirange station, including an east alternate via the intersection of the Roswell omnirange 335° True and the Corono ommrange 125° True radials; Otto, N. Mex., omnirange station; to the Santa Fe, N. Mex., omnirange station.

27. Section 600.6097 is amended to read:

§ 600.6097 VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.) From the Miami, Fla., omnirange station via the Tampa, Fla., omnirange station; Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the intersection of the Tampa, omnurange 331° True and the Cross City omnirange 182° True radials, the Cross City, Fla., omnirange station and the intersection of the Cross City omnirange 287° True and the Tallahassee omnirange 150° True radials; Albany, Ga., omnirange station; Atlanta, Ga., omnirange station; Knoxville, Tenn., omnirange station, including an east alternate from the Atlanta omnirange station to the Knoxville omnurange station via the Norcross, Ga., omnirange station and the intersection of the Norcross omnirange 014° True and the Knoxville omnirange 175° True radials; Lexington, Ky., omnirange station; intersection of the Lexington omnirange 347° True and the Cincinnati omnirange 175° True radials; Cincinnati, Ohio, omnirange station; Indianapolis, Ind., omnirange station, including an east and a west alternate; intersection of the Indianapolis omnirange 342° True and the Chicago Heights omnirange 140° True radials; Chicago Heights, Ill., omnirange station; intersection of the Chicago Heights omnirange 342° True and the Janesville omnirange 107° True radials: Janesville, Wis., omnirange station; Lone Rock, Wis., omnirange station, including a west alternate via the intersection of the Janesville omnirange 282° True and the Lone Rock omnirange 161° True radials; La Crosse, Wis., omnirange station: to the Minneapolis, Minn., omnirange station. The portions of this airway above 19,000 feet above mean sea level, which lie within the Tyndall AFB Restricted Area (R-336) and the Tyndall AFB Warning Area (W-337) are excluded daily between sunset and sunrise.

- 28. Section 600.6105 is amended to read.
- § 600.6105 VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.) From the Phoenix, Ariz., omnirange station via the Prescott, Ariz., omnirange station to the Las Vegas, Nev., omnirange station.
- 29. Section 600.6128 is amended by changing the caption to read: "VOR civil airway No. 128 (Chicago, Ill., to New Bern, N. C.) "

30. Section 600.6143 is amended to read:

§ 600.6143 VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.) From the Charlotte, N. C., omnirange station via the Greensboro, N. C., omnirange station, including a west alternate via the intersection of the Charlotte omnirange 359° True and the Greensboro omnirange 238° True radials; to the Montebello, Va., omnırange station. From the Front Royal, Va., omnirange station to the point of intersection of the Front Royal omnirange 087° True and the Washington, D. C., terminal omnirange 319° True radials.

31. Section 600.6147 VOR civil airway No. 147 (Allentown, Pa., to Rochester N. Y., is amended by changing all after the Elmira, N. Y., omnirange station to read: "Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 305° True and the Rochester omnirange 183° True radials; to the Rochester, N. Y., omnirange station."

32. Section 600.6153 is amended to read:

§ 600.6153 VOR civil airway No. 153 (New York, N. Y., to Wilkes-Barre, Pa.) From the point of intersection of the Caldwell, N. J., omnirange 217° True and the Stroudsburg omnirange 118° True radials via the Stroudsburg, Pa., omnirange station; to the Wilkes-Barre-Scranton, Pa., omnirange station.

33. Section 600.6164 is amended to read:

§ 600.6164 VOR civil airway No. 164 (Bradford, Pa., to New York, N. Y.) From the Bradford, Pa., omnirange station via the intersection of the Bradford omnirange 097° True and the Williamsport omnirange 306° True radials; Williamsport, Pa., omnirange station; via the Williamsport omnirange-direct radial to the point of intersection of the Allentown, Pa., omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; via the Stroudsburg omnirange direct radial to the Stroudsburg, Pa., omnirange station, including a south alternate from the Williamsport omnirange station to the Stroudsburg omnirange station via the intersection of the Williamsport omnirange 125° True and the Stroudsburg omnirange 270° True radials; to the point of intersection of the Stroudsburg omnirange 083° True and the Wilkes-Barre-Scranton, Pa., omnirange 117° True radials.

34. Section 600.6171 VOR civil airway No. 171 (Louisville, Ky., to Madison, Wis.) is amended by deleting the following words: "Janesville omnirange 166° True radials;" and substituting the following words in lieu thereof: "Janesville omnirange 157° True radials;" and by deleting the following words: "Janesville omnırange 331° True" and substituting the following words in lieu thereof: "Janesville omnirange 339° True"

35. Section 600.6177 VOR civil airway No. 177 (Chicago, Ill., to Janesville, Wis.) is amended by deleting the following words: "Janesville omnirange 122° True radials:" and substituting the following words in lieu thereof: "Janesville omnirange 114° True radials:

36. Section 600.6188 is amended to

§ 600.6188 VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.) From the Carleton, Mich., omnirange station via the Perry, Ohio, nondirectional radio beacon; Fitzgerald, Pa., omnirange station; Williamsport, Pa., omnirange station, via the Williamsport omnirange direct radial to the point of intersection of the Allentown, Pa., omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; via the Stroudsburg omnirange direct radial to the Stroudsburg, Pa., omnirange station; to the Caldwell, N. J., omnirange station.

37. Section 600.6194 is amended to read:

§ 600.6194 VOR civil airway No. 194 From (Royston, Ga., to Boykins, Va.) the point of intersection of the Royston omnirange 270° True and the Norcross, Ga., omnirange 054° True radials via the Royston, Ga., omnirange station; intersection of the Royston omnirange 078° True and the Charlotte omnirange 241° True radials; Charlotte, N. C., omnirange station; to the Raleigh, N. C., omnirange station. From the Rocky Mount, N. C., omnirange station via its direct radial to the point of intersection of the Lawrenceville, Va., omnirange 116° True radial and the southwest course of the Waverly, Va., LF radio range.

38. Section 600.6198 is amended to

§ 600.6198 VOR civil airway No. 198 (San Antonio, Tex., to Galveston, Tex.) From the San Antonio, Tex., omnirange station via the Eagle Lake, Tex., omnirange station; to the Galveston, Tex., omnirange station, including a north alternate from the San Antonio omnirange station to the Galveston omnirange station via the point of intersection of the Austin, Tex., omnirange 109° True and the College Station, Tex., omnirange 202° True radials, thence via the Houston, Tex., omnirange station.

(Sec. 205, 52 Stat. 984, as amended: 49 U.S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U.S. C. 452)

This amendment shall become effective 0001 e. s. t., October 6, 1955.

F B. LEE, [SEAL] Administrator of Civil Aeronautics. [F R. Doc. 55-7887; Filed, Sept. 29, 1955;

8:45 a. m.]

[Amdt. 62]

PART 601-DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice. procedures, and effective date/provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.225 Red civil airway No. 25 control areas (Tallahassee, Fla., to Miami, Fla.) is revoked.

2. Section 601.301 Red civil airway No. 101 control areas (Tampa, Fla. to Miami, Fla.) is revoked.

3. Section 601.601 is added to read:

§ 601.601 Blue civil airway No. 1 control areas (Miami, Fla., to Tampa, Fla.) All of Blue civil airway No. 1.

- 4. Section 601.603 is amended to read:
- § 601.603 Blue civil airway No. 3 control areas (Miami, Fla., to Sault Ste. Marie, Mich.) All of Blue civil airway No. 3.
 - 5. Section 601.633 is amended to read:
- § 601.633 Blue civil airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.) All of Blue civil airway No. 33.
- 6. Section 601.1010 is amended to

§ 601.1010 Control area extension (Greenwood, S. C.) That airspace bounded on the south by a straight line from a point at Lat. 34°07′00′′, Long. 82°15′00′′ to a point at Lat. 34°19′00′′, Long. 81°38′00′′, on the east by Blue civil airway No. 28, on the north by the Greenville, S. C. (Greenville-Charlotte-Greensboro) control area extension, on the west by Blue civil airway No. 39 to point of beginning.

7. Section 601.1013 is amended to

§ 601.1013 Control. area extension (Fort Myers, Fla.) Within 5 miles either side of the southwest and northeast courses of the Fort Myers radio range extending from Blue civil airway No. 1 on the northeast to a point 20 miles southwest of the radio range station.

8. Section 601.1036 Control area extension (Vichy, Mo.) is revoked.

9. Section .601.1125 is amended to

§ 601.1125 Control area extension (Tallahassee, Fla.) Within 5 miles either side of the south course of the Tallahassee radio range extending from the radio range station to a point 25 miles south, within 5 miles either side of the Tallahassee (Dale Mabry) ILS localizer course extending from the localizer to a point 30 miles southeast,

within 5 miles either side of the 162° True radial of the Tallahassee omnirange extending from the omnirange station to a point 20 miles southeast, and that alrspace northwest of Tallahassee bounded on the east by VOR civil airway No. 97, on the southwest by VOR civil airway No. 7, and on the north by VOR civil airway No. 22-N, excluding the airspace above 19,000 feet mean sea level between sunset and sunrise which lies within Tyndall AFB Restricted Area R-336.

10. Section 601.1126 is amended to read:

§ 601.1126 Control area extension (Knoxville, Tenn.) That airspace within a 40 mile radius of the Knoxville. Tenn., radio range station beginning at a point south of Knoxville on the western edge of Red civil airway No. 27 and extending counterclockwise to a point at Lat. 36°15'00" Long. 84°30'00" thence bounded on the northwest by a straight line from this point to a point at Lat. 36°00'00" Long. 84°56'30" thence bounded on the west by VOR civil airway No. 51, on the southwest by the Chattanooga control area extension, on the south by VOR civil airway No. 54, and on the east by the western boundary of Red civil airway No. 27 to point of beginning, excluding the airspace which lies within Prohibited Area PA-78.

11. Section 601.1133 is amended to read:

§ 601.1133 Control area extension (Seattle, Wash.) That airspace within a 30-mile radius of the Seattle-Tacoma International Airport excluding the portion which overlaps the Fort Lewis Restricted Area R-244; that airspace south-southwest of Seattle bounded on the east by Blue civil airway No. 71, on the south by Lat. 46°35′00′ and on the west by Long. 123°03′00′

12. Section 601.1144 is amended to read:

Control area extension § 601.1144 (Nantucket, Mass.) That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., nondirectional radio beacon to a circle 15 miles in radius centered on the intersection of a Great Circle course between the Nantucket nondirectional radio beacon and the Azores Santa Maria nondirectional radio beacon and the western boundary of the ICAO Control Area. excluding the portion below 2,000 feet except that airspace which lies within the confines of civil airways.

13. Section 601.1145 is amended to read:

§ 601.1145 Control area extension (Nantucket, Mass.) That airspace withm tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., non-directional radio beacon to a circle 15 miles in radius centered on the intersection of a rhumb line between the Nantucket nondirectional radio beacon and the Kindley AFB Bermuda radio range station and the western boundary of the ICAO Control Area, excluding the

portion below 2,000 feet except that airspace which lies within the confines of civil airways.

14. Section 601.1205 is amended to read:

§ 601.1205 Control area extension (Albuquerque, N. Mex.) That airspace northwest of Albuquerque bounded on the northwest by VOR civil airway No. 190, on the south by VOR civil airway No. 12 and on the east by VOR civil airway No. 19; that airspace north of Albuquerque bounded on the east by a line 5 miles east of and parallel to a 03° True bearing from the Kirtland AFB, on the south by VOR civil airway No. 12, and on the west and north by VOR civil airway No. 19.

15. Section 601.1248 is amended to read:

§ 601.1248 Control area extension (Richmond, Va.) That airspace within a 25 mile radius of the Richmond, Va., radio range station, bounded on the southeast by the Norfolk control area extension.

16. Section 601.1257 Control area ex-etension (Goshen, Ind.), is amended by deleting the words which read: "on the east by Blue civil airway No. 33."

17. Section 601.1266 is amended to read:

§ 601.1266 Control area extension (Litchfield, Mich.) That airspace within a 15 mile radius of the Litchfield, Mich., omnirange station and the airspace southeast of the omnirange station bounded on the north by VOR civil airway No. 10, on the northeast by VOR civil airway No. 45, on the southeast by VOR civil airway No. 98 and on the southwest by VOR civil airway No. 30.

18. Section 601.1311 is amended to read:

§ 601.1311 Control area extension (Oscoda, Mich.) That airspace within a 30 mile radius of Wurtsmigh AFB, Oscoda, Mich., excluding the portions which overlap Restricted Areas R-81, R-91 and R-491.

19. Section 601.1319 is amended to read:

§ 601.1319 Control Area extension (Key West, Fla.). Within 5 miles either side of the 313° True radial of the Key West omnirange extending from the omnirange station to Warning Area W-174 and within 5 miles either side of the west course of the Key West radio range extending from the radio range station to Warning Area W-174.

20. Section 601.1373 is amended to read:

§ 601.1373 Control area extension (Chattanooga, Tenn.). That airspace within a 30 mile radius of the Chattanooga radio range station.

21. Section 601.1385 is added to read:

§ 601.1385 Control area extension (Rome, N. Y.). That airspace within a 40 mile radius of Griffis AFB, Rome, N. Y., bounded on the south by Green civil airway No. 2 and Red civil airway No. 22.

22. Section 601.1386 is added to read:

§ 601.1386 Control area extension (Orlando, Fla.) That airspace within 5 miles either side of the 71° True radial of the Orlando omnirange extending from Amber civil airway No. 7 to the Wilmington, N. C. Control area extension (601.1150) excluding the airspace below 14,000 feet mean sea level.

23. Section 601.1387 is added to read:

§ 601.1367 Control area extension (Fayetteville, N. C.) Within 5 miles either side of a 93° True bearing extending from the Fayetteville nondirectional radio beacon to a point 12 miles east.

24. Section 601.1388 is added to read:

§ 601.1388 Control area extension (Fort Bragg, N. C.). Within a 15 mile radius of Pope AFB bounded on the east by VOR civil airway No. 3 and Amber civil airway No. 7, excluding the portion which overlaps the Fort Bragg Restricted Area (R-115).

25. Section 601.1934 five-mile radius zones is amended by deleting the following airport: Riverside, Calif.: March Field.

26. Section 601.2122 Datroit, Mich., control zone, is amended by changing the portion which reads: "and within a five mile radius of the Willow Rum Airport" to read: "and within a 12 mile radius of the Willow Rum Airport" and by adding the following phrase to present control zone: "and excluding the pieshaped area bounded on the north by a line 2 miles south of and parallel to the 282° True radial of the Willow Rum TVOR and bounded on the south by a line 2 miles north of and parallel to the 252° True radial of the Willow Rum TVOR."

27. Section 601.2150 is amended to read:

§ 601.2150 Key West, Fla., control zone. Within a 5 mile radius of Meacham Field and within a 5 mile radius of Boca Chica Naval Air Station, Key West, Fla., within 2 miles either side of the west course of the Key West radio range extending from the radio range station to a point 10 miles west, within 2 miles either side of a 242° True bearing from the Key West radio range station extending from the Meacham Field 5-mile radius zone to a point 10 miles southwes. of the radio range station; within 2 miles either side of the 313° True and the 273° True radials of the Key West omnirange extending to points-10 miles northwest and west of the omnirange station.

28. Section 601.2182 is amended to read:

§ 601.2182 Palmdale, Calif., control zone. Within a 5 mile radius of Palmdale Airport and within 2 miles either side of the northeast course of the Palmdale radio range extending from the radio range station to Muroc Lake Restricted Area R-279.

29. Section 601.2215 is amended to read:

§ 601.2215 San Juan, P R., control zone. Within an 8 statute mile radius

of a point at Lat. 18°27'00' N., Long. 66°03'00" W., within 2 statute miles either side of the west course of the San Juan radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of a 277° True bearing extending from the San Juan nondirectional beacon to a point 10 miles west.

- 30. Section 601.2365 is added to read:
- § 601.2365 Salem, Oreg., control zone. Within a 3 mile radius of McNary Airport and within 2 miles either side of a line bearing 150° True extending from the airport to a point 5 miles southeast.
 - 31. Section 601.2366 is added to read:
- § 601.2366 Riverside, Calif., control zone. Within a 5 mile radius of March AFB and within 2 miles either side of a line extending from March AFB through the Riverside omnirange station to a point 5 miles southeast of the omnirange station.
 - 32. Section 601.2367 is added to read:
- § 601.2367 Fort Bragg, N. C., control zone. Within a 5 mile radius of Pope AFB and within 2 miles either side of a line bearing 49° True extending from the Air Force Base to a point 7 miles northeast, excluding the portion which overlaps the Fort Bragg Restricted Area R-115.
- 33. Section 601.4015 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.) is amended after Millville, N. J., radio range station by adding the following reporting point: "the intersection of the northeast course of the Millville, N. J., radio range and the southeast course of the McGuire AFB, N. J., radio range;" and by deleting the following reporting point: "the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Mitchel Field, N. Y., AFB radio range:"
- 34. Section 601.4104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.) is amended by changing the reporting point which reads: "the intersection of the south course of the San Antonio, Tex., radio range and the southeast course of the Kelly, Tex., radio range;" to read: "the intersection of the south course of the San Antonio, Tex., radio range, the 104° True bearing from the Somerset, Tex., nondirectional radio beacon and the southeast course of the Kelly, Tex., radio range;"

35. Section 601.4207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N.C.) is amended by adding the following reporting point: "the intersection of the north course of the Charlotte, N.C., radio range and the southwest course of the Greensboro, N.C., radio range;"

- 36. Section 601.4211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.) is amended by changing the name of the facility at Vichy, Mo., from radio range station to "Vichy, Mo., nondirectional radio beacon;"
- 37. Section 601.4225 Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.) is revoked.
- 38. Section 601.4301 Red civil arway No. 101 (Tampa, Fla., to Miami, Fla.) is revoked.

- 39. Section 601.4601 is added to read:
- § 601.4601 Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.). The intersection of the northeast course of the Fort Myers, Fla., radio range and the southeast course of the Tampa, Fla., radio range.
- 40. Section 601.4603 is amended to read:
- § 601.4603 Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.) Fort Myers, Fla., radio range station; Tampa, Fla., radio range station; Cross City, Fla., radio range station; Traverse City, Mich., radio range station; Pellston, Mich., nondirectional radio beacon.
- 41. Section 601.4613 is amended to read:
- § 601.4613 Blue cwil arway No. 13 (Houston, Tex., to Des Momes, Iowa) Lufkin, Tex., nondirectional radio beacon; Fort Smith, Ark., nondirectional radio beacon.
- 42. Section 601.4633 is amended to read:
- § 601.4633 Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.) No reporting point designation.
- 43. Section 601.5001 Other reporting points is amended by changing the Cod and Seal intersections to read:

Cod intersection: The intersection of a Great Circle course between the Nantucket, Mass., nondirectional radio beacon and the Azores Santa Maria nondirectional radio beacon and the western boundary of the ICAO Control Area at Lat. 41°29'00" N., Long. 68°00'00" W.

Seal intersection: The intersection of a rhumb line between the Nantucket, Mass., nondirectional radio beacon and the Kindley AFB Bermuda radio range station and the western boundary of the ICAO Control Area at Lat. 39°50′00″ N., Long. 69°16′00″ W.

- 44. Section 601.6022 is amended to read:
- § 601.6022 VOR civil airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.) All of VOR civil airway No. 22 including a north alternate, but excluding the airspace between the main airway and its north alternate.
- 45. Section 601.6031 is amended to read:
- § 601.6031 VOR civil airway No. 31 control areas (Baltimore, Md., to Rochester N. Y.) All of VOR civil airway No. 31.
- 46. Section 601.6054 is amended to read:
- § 601.6054 VOR civil airway No. 54 control areas (Texarkana, Ark., to Charlotte, N. C.) All of VOR civil airway No. 54 including north alternates.
- 47. Section 601.6056 is amended to read:

§ 601.6056 VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.) All of VOR civil airway No. 56 including north alternates, but excluding the airspace between the main airway and its north alternate between the Columbia, S. C., omnirange station and the Florence, S. C., omnirange station.

- 48. Section 601.6105 is amended to read:
- § 601.6105 VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.) All of VOR civil airway No. 105.
- 49. Section 601.6128 is amended by changing the caption to read: "VOR'civil airway No. 128 control areas (Chicago, Ill., to New Bern, N. C.)"
- 50. Section 601.6143 is amended to read:
- § 601.6143 VOR civil airway No. 143 control areas (Charlotte, N. C., to Washington, D. C.) All of VOR civil airway No. 143 including a west alternate, but excluding the airspace between the main airway and the west alternate.
- 51. Section 601.6147 is amended to read:
- § 601.6147 VOR civil arway No. 147 control areas (Allentown, Pa., to Rochester N. Y.) All of VOR civil airway No. 147.
- 52. Section 601.6153 is amended to read:
- § 601.6153 VOR civil airway No. 153 control areas (New York, N. Y., to Wilkes-Barre, Pa.). All of VOR civil airway No. 153.
- 53. Section 601.6164 is amended to read.
- § 601.6164. VOR civil airway No. 164 control areas (Bradford, Pa., to New York, N. Y.) All of VOR civil airway No. 164 including south alternate, but excluding the airspace between the main airway and the south alternate.
- 54. Section 601.6194 is amended to read:
- § 601.6194 VOR civil airway No. 194 control areas (Royston, Ga., to Boykins, Va.) All of VOR civil airway No. 194.
- 55. Section 601.7001 Domestic VOR reporting points is amended by adding the following reporting points:

New Braunfels Intersection: The intersection of the San Antonio, Tex., omnirange 074° True and the Austin, Tex., omnirange 209° True radials.

Seguin Intersection: The intersection of

Seguin Intersection: The intersection of the San Antonio, Tex., omnirange 089° True and the Austin, Tex., omnirange 194° True radials.

Mooresville Intersection: The intersection of the Charlotte, N. C., omnirange 359° True and the Spartanburg, S. C., omnirange 057° True radials.

Murphy Intersection: The intersection of the Chattanoga, Tonn., omnirange 088° True and the Knoxville, Tenn., omnirange 191° True radials.

Norcross, Ga., omnirange station.
Douglas, Ariz., omnirange station.
Rocky Mount, N. C., omnirange station.
Charlotte, N. C., omnirange station.
Ashville, N. C., omnirange station.
Columbus, Ga., omnirange station.
Williamstown, N. C., VAR station.
Stroudsburg, Pa., omnirange station.

and by changing the following reporting points to read:

Branchville Intersection: The intersection of the Stroudsburg, Pa., omnirange 055° True and the Wilkes-Barre-Scranton, Pa., omnirange 117° True radials.

Newburgh Intersection: The intersection of the Poughkeepsie, N. Y., omnirange 236°

True and the Wilton, Conn., omnirange 300° True radials.

Catalina Intersection: The intersection of the Los Angeles, Calif., omnirange 185° True radial, the Long Beach, Calif., omnirange 220° True radial and a straight line bearing 099° True to the Oceanside, Calif., nondirectional radio beacon. Bergholz Intersection: The intersection of

Bergholz Intersection: The intersection of the Pittsburgh, Pa., omnirange 291° True and the Youngstown, Ohio, omnirange 195° True radials (or ADF passing indication over the Bergholz, Ohio, nondirectional radio beacon.)

Mendota Intersection: The intersection of the Janesville, Wis., omnirange 339° True and the Lone Rock, Wis., omnirange 104° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 6, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-7888; Filed, Sept. 29, 1955; 8:46 a. m.]

[Amdt. 135]

PART 608-RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.29, the Westport Point, Massachusetts, area (R-4 formerly D-4) amended on January 16, 1953 in 18 F. R. 350, is rescinded.

2. In § 608.47, the Cormorant Rock, Rhode Island, area (R-98 formerly D-98) amended on January 16, 1953 in 18 F. R. 350, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U.S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U.S. C. 551)

This amendment shall become effective on September 30, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-7889; Filed, Sept. 29, 1955; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF ARAMITE (2-(p-tert-butylphenoxy)-isopropyl-2-Chloroethyl Sulfite)

The United States Rubber Company filed a petition requesting the establish-

ment of tolerances for residues of Aramite (2 - p-tert - butylphenoxy)-iso-propyl-2-chloroethyl sulfite) on certain designated raw agricultural commodities. The Food and Drug Administration concluded that a zero tolerance should be established on Aramite residues and so advised the petitioner.

The United States Rubber Company withdrew the original petition and filed an amended petition proposing a lower tolerance for residues of Aramite. The company requested that if the Food and Drug Administration adhered to its initial conclusion that a zero tolerance should be issued, the amended petition be referred to an advisory committee.

An advisory committee to consider Aramite was apopinted in accordance with the Federal Food, Drug, and Cosmetic Act (sec. 408 (g), 68 Stat. 514, 21 U. S. C. 346a (g)) The petition and other data before the Food and Drug Administration were referred to the committee with a request that it make a report and recommendations thereon.

The committee concluded that the continued use of Aramite at a residue level not to exceed 1 part per million would offer no hazard to the public. It recommended that a tolerance of 1 part per million be established for residues of Aramite.

Copies of the report and recommendations of the committee are on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are requested.

The amended petition does not show whether Aramite residues present on forage consumed by dairy animals are excreted in milk. Aramite residues should not be present in milk.

After due consideration of the data submitted in the petition, the report and recommendations of the advisory committee, and other relevant material, it is concluded that the tolerances established in this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 3462. (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F R. 759), the regulations for the establishment of tolerances and granting exemptions from tolerances in or on raw agricultural commodities (21 CFR, Part 120; 20 F. R. 1473) are amended as follows:

Part 120 is amended by adding the following new section:

§ 120.107 Tolerances for residues of Aramite. (a) A tolerance of 1 part per million is established for residues of Aramite (2-(p-tert-butylphenoxy)-isopropyl-2-chloroethyl sulfite) on the raw agricultural commodities apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, strawberries, sweet

corn (kernels) but not forage thereof, tomatoes, watermelons.

(b) A tolerance of zero is established for residues of Aramite in or on the raw agricultural commodities alfalfa and soybeans (whole plant)

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the effective date of this order file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and may request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FED-ERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 403, 63 Stat. 511; 21 U. S. C. 346a)

Dated: September 26, 1955.

[SEAL] GEO. P. LAPRICK, Commissioner of Food and Drugs.

[P. R. Doc. 55-7803; Filed, Sept. 23, 1955; 8:51 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS
FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL
COMMODITIES

TOLETANCE FOR RESIDUES OF 3-(p-CHLOEO-PHENYL)-1,1-DIMETHYLUEEA

On June 10, 1955, a petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of 3-(p-CHLORO-PHENYL)-1,1-DIMETHYLUREA in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 403 (d) (2) 68 Stat. 512; 21 U.S. C. 3462 (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g), 20 F. R. 759) the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.103 Tolérance for residues of 3 - (p-chlorophenyl)-1,1-dimethylurea. A tolerance of 1 part per million for residues of 3-(p-chlorophenyl)-1,1-dime-

thylurea is established in or on the following raw agricultural commodities: Asparagus, cottonseed, onions (dry bulbs only) pineapple, spinach, sugarcane.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date of this order, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, shall specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and may request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the Federal Register.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 26, 1955.

[SEAL] GEO. P LARRICK, Commissioner of Food and Drugs.

[F. R. Doc. 55-7890; Filed, Sept. 29, 1955; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53907]

PART 6—AIR COMMERCE REGULATIONS
DESIGNATION OF CHICAGO MIDWAY AIRPORT
AS AN INTERNATIONAL AIRPORT

SEPTEMBER 27, 1955.

The Chicago Midway Airport, Chicago, Illinois, is hereby designated as an airport of entry (international airport) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)), effective October 1, 1955.

The list of international airports in § 6.13 is hereby amended to include the name and location of this airport.

This airport was designated as a temporary international airport by Treasury Decision 53765, March 23, 1955, published in the Federal Register of March 30, 1955 (20 F R. 1972) The continuation of the designation of this airport as an international airport without time limit is based on a determination that a sufficient need exists to justify such designation.

Since notice and public procedure under section 4 of the Administrative Procedure Act (5 U.S. C. 1003) were followed in the designation of this airport as a temporary international airport and continuation of the designation will be in the public interest, notice and public procedure are deemed unnecessary. The designation is made effective on October 1, 1955, since the temporary designation expires September 30, 1955, and it is

deemed in the public interest to continue the designation without interruption.

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7951; Filed, Sept. 29, 1955; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 63-POSTAL SAVINGS

WITHDRAWALS

In § 63.6 Withdrawals, amend paragraph (a) to read as follows:

(a) On demand at office of issue. You may withdraw on demand all or any part of funds deposited at the office of issue. You will receive immediate payment unless the amount is large and the postmaster has to obtain the necessary funds. If a withdrawal is made within 1 month from the date of issue as shown on the certificate, a service charge of 20 cents will be made for each certificate regardless of denomination.

The foregoing amendment is effective November 1, 1955.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL]

ABE McGregor Goff, The Solicitor

[F. R. Doc. 55-7899; Filed, Sept. 29, 1955; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 908]

PART 95-CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of September A. D. 1955.

It appearing that the number of freight cars available for the movement of box car freight in the States of Oregon, California, Arizona and Nevada, has seriously decreased recently that at present the supply is insufficient to move such freight traffic of carriers serving those States; that there are certain SFRD, PFE and WP refrigerator cars in that territory not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in Oregon, California, Arizona and Nevada: It is ordered, that:

§ 95.908 Substitution of refrugerator cars for box cars—(a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting carload freight from origins in the States of Oregon, California, Arizona or Nevada, and destined to points

m the States of Oregon, California, Arizona or Nevada, may, at their option, furnish and transport not more than three (3) refrigerator cars of SFRD, PFE or WP ownership, not suitable for transporting commodities requiring protective service, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car.

(i) Two (2) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of 40' 7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of over 40' 7" but not over 50' 7" subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) Application. The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date. This section shall become effective at 7:00 a.m., September 28, 1955.

(d) Expiration date. This section shall expire at 11:59 p.m., December 31, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) Rules and regulations suspended. The operation of all rules and regulations msofar as they conflict with the provisions of this section is hereby suspended.

(f) Announcement of suspension. Each of such railroads, or its agents, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, Secretary.

[F. R. Doc. 55-7911; Filed, Sept. 29, 1955; 8:51 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

REVISION OF REGULATIONS

Chapter V is amended as follows:
1. Sections 500.1, 500.2, 505.1, 507.16, 507.106, 507.108, 507.110, 525.1 are revised.

2. Sections 500.3 and 500.4 are renumbered as sections 500.5 and 500.6.

3. New sections 500.3 and 500.4 are added.

4. New subchapter C is added.

As amended, Chapter V of Title 45 reads as set forth below.

WHITNEY GILLILLAND, Chairman.

Subchapter A-Rules of Practice

Part
500 Appearance and practice before the
Commission.

501 Subpoenas, depositions and oaths.

Subchapter B—Receipt, Administration and Payment of Claims Under the War Claims Act of 1948, as Amended

505 Filing of claims and procedures therefor.

506 Provisions of general application.

507 Entitlement to award.

515 Payment.

525 Hearings.

Subchapter C—Receipt, Administration and Payment of Claims Under the International Claims Settlement Act of 1949_d as Amended

531 Filing of claims and procedures therefor.

Subchapter A-Rules of Practice

PART 500—APPEARANCE AND PRACTICE BEFORE THE COMMISSION

Sec. 500.1 Appearance and practice,

500.2 Fees.

500.3 Petition for fee exceeding ten per centum of amount paid on account of claim.

500.4 Order allowing fee in excess of ten per centum of amount paid on account of claim.

500.5 Suspension of attorneys.

500.6 Restrictions on former employees.

AUTHORITY: §§ 500.1 to 500.6 issued under sec. 2, 62 Stat. 1240, as amended, sec. 3, 64 Stat. 13, as amended; 50 U. S. C. App. 2001, 22 U. S. C. 1622.

§ 500.1 Appearance and practice. (a) An individual may appear in his own behalf; a member of a partnership may represent the partnership; a bona fide officer of a corporation, trust or association may represent the corporation, trust or association; any officer or employee of the United States Department of Justice, when designated by the Attorney General of the United States, may represent the United States in a claim proceeding.

(b) A person may be represented by an attorney at law admitted to practice in any State or Territory of the United States, or the District of Columbia.

(c) In cases falling within the purview of Subchapter B of this chapter, persons designated by veterans' service, and other organizations to appear before the Commission in a representative capacity on behalf of claimants shall be deemed

duly authorized to practice before the Commission when the designating organization shall have been issued a letter of accreditation by the Commission. Petitions for accreditation shall be in writing, executed by duly authorized officer or officers, addressed to the Foreign Claims Settlement Commission of the United States, Washington, D. C. Upon receipt of a petition setting forth pertinent facts as to the organization's history, purpose, number of posts or chapters and their locations, approximate number of paid-up membership, statements that the organization will not charge any fee for services rendered by its designees in behalf of claimants and that it will not refuse on the grounds of non-membership to represent any claimant who applies for such representation if he has an apparently valid claim, accompanied by a copy of the organization's constitution or charter, by-laws, and its latest financial statement, the Commission in its discretion will consider and in appropriate cases issue or deny letters of accreditation.

'(d) A person may not be represented before the Commission except as authorized in paragraph (a), (b) or (c) of this section.

§ 500.2 Fees. (a) No remuneration on account of services rendered or to be rendered to or on behalf of any claimant in connection with any claim falling within the purview of Subchapter B of this chapter shall exceed ten per centum of the amount allowed on account of such claim, except that the Commission in its discretion may fix a lesser per centum with respect to any claim filed thereunder.

(b) The total remuneration on account of services rendered or to be rendered to or on behalf of any claimant in connection with any claim falling within the purview of Subchapter C of this chapter shall not exceed ten per centum of the total amount paid on account of such claim, except that the Commission may upon petition, as prescribed in § 500.3, in its discretion enter an order authorizing such remuneration m an amount which exceeds the maximum otherwise permitted.

§ 500.3 Petitions for additional remuneration pursuant to section 317 (b) of the act. A petition under section 317 (b) of the act for an order authorizing the payment of remuneration in excess of the maximum prescribed by section 317 (a) of the act shall be in writing and verified by the petitioner. It shall include (a) a fully itemized statement of all services at any time rendered by the petitioner on behalf of the claimant in connection with the claim with respect to which the petition is filed, whether rendered before or after the filing of the claim with the Commission, (b) a statement of all remuneration theretofore received by the petitioner on account of such services, and (c) an itemized statement, to the best of petitioner's knowledge, information and belief, of all services theretofore at any time rendered by any other person or persons on behalf of the claimant in connection with such claim and of all remuneration paid on account of such other services; shall state in detail such special circumstances of unusual hardship as, in the opinion of the petitioner, justify payment in excess of the maximum remuneration otherwise permitted by section 317 (a) shall be accompanied, as exhibits, by all documents including agreements relating to remuneration, available to patitioner evidencing the allegations of his petition; and shall state the total amount of remuneration which it is believed should be authorized.

§ 500.4 Order allowing fee in excess of ten per centum of amount paid on account of claim. The Commission may, upon the petition described in § 500.3 and supporting affidavit, after consultation with the claimant and consideration of the evidence, in its sole discretion, upon a finding that there exist special circumstances of unusual hardship which require the payment of a fee in excess of the maximum amount otherwise allowable, issue an order authorizing such excess, the said order to specify the amount of such excess.

§ 500.5 Suspension of attorneys. (a) The Commission may disqualify, and deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found after a hearing in the matter—

 Not to possess the requisite qualifications to represent others before the

Commission; or

(2) To be lacking in character or integrity or to have engaged in unethical or improper professional conduct; or

(3) To have violated * * * section 10 of the War Claims Act of 1948, as amended, or section 4 (f) of the International Claims Settlement Act of 1949, as amended, or § 500.2.

(b) Contemptuous or contumacious conduct at any hearing shall be ground for exclusion from said hearing and for summary suspension without a hearing for the duration of the hearing.

§ 500.6 Restrictions on former employees. (a) No former member, officer or employee of the Government of the United States shall represent any claimant before the Commission or accept employment in connection with any matter connected in any way with the prosecution of any claim or matter which is before the Commission which claim or matter was in any way considered by such former member, officer or employee during his period of service with the Government of the United States or concerning which he gained personal knowledge during his service with the Government.

(b) No former member, officer or employee of the Commission shall, for a period of two years following his service with the Commission represent any claimant before the Commission or shall be connected in any way with the prosecution of any claim before the Commission unless prior approval is obtained from the Commission in each matter. To obtain such approval a request shall be made in affidavit form to the Commission stating (1) that the applicant did not personally consider the matter or gain personal knowledge thereof during his service with the Commission, and

(2) that he is not associated with any person who personally considered the matter or gained personal knowledge thereof during his service with the Commission. The application may be granted or denied in the discretion of the Commission and shall be denied if the public interest would otherwise suffer.

PART 501—Subpoenas, Depositions and Oaths

Sec.

501.1 Extent of authority.

501.2 Subpoenas.

501.3 Service of process.

501.4 Witnesses.

501.5 Depositions.

501.6 Documentary evidence.

501.7 Time.

AUTHORITY: §§ 501.1 to 501.7 issued under sec. 2, 62 Stat. 1240, as amended, sec. 3, 64 Stat. 13, as amended; 50 U. S. C. App. 2001, 22 U. S. C. 1622.

- § 501.1 Extent of authority—(a) Subpoenas, oaths and affirmations. The Commission or any member thereof may issue subpoenas, administer oaths and affirmations, take affidavits, conduct investigations and examine witnesses in connection with any hearing, examination, or investigation within its jurisdiction
- (b) Certification. The Commission or any member thereof may, for the purpose of any such hearing, examination, or investigation, certify the correctness of any papers, documents, and other matters pertaining to the administration of any laws relating to the functions of the Commission.
- § 501.2 Subpoenas—(a) Issuance. A member of the Commission or a designated employee may, on his own volition or upon written application by any party and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring persons to appear and festify or to appear and produce documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence, or other documents sought. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.
- (b) Deposit for costs. The Commission or designated employee, before issuing any subpoena in response to any application by an interested party, may require a deposit in an amount adequate to cover the fees and mileage involved.
- (c) Motion to quash. If any person subpoenaed does not intend to comply with the subpoena, he shall, within 15 days after the date of service of the subpoena upon him, petition in writing to quash the subpoena. The basis for the motion must be stated in detail. Any party desiring to file an answer to a motion to quash must file such answer not later than 15 days after the filing of the motion. The Commission shall rule on the motion to quash, duly recognizing any answer thereto filed. The motion, answer, and any ruling thereon shall become part of the official record.
- (d) Appeal from interlocutory order An appeal may be taken to the Commis-

sion by the interested parties-from the denial of a motion to quash or from the refusal to issue a subpoena for the production of documentary evidence.

(e) Order of court upon failure to comply. Upon the failure or refusal of any person to comply with a subpoena. the Commission may invoke the aid of the United States District Court within the jurisdiction of which the hearing, examination, or investigation is being conducted, or wherein such person resides or transacts business. Such court, pursuant to the provisions of Public Law 696, 81st Congress, approved August 16, 1950, 50 U.S. C. App. 2001 (d) may issue an order requiring such person to appear at the designated place of hearing, examination or investigation, then and there to give or produce testimony or documentary evidence concerning the matter in question. Any failure to obey such an order may be punished by the court as a contempt thereof. All processes in any such case may be served in the judicial district wherein such person resides or transacts business or wherever such person may be found.

- § 501.3 Service of process—(a) By whom served. The Commission shall serve all orders, notices and other papers issued, by it, together with any other papers which it is required by law to serve.
- (b) Kinds of service. Subpoenas, orders, rulings, and other processes of the Commission, may be served by delivering in person, by first class or registered mail, or by telegraph or by publication.

(c) Personal service. Service by delivering in person may be accomplished by:

(1) Delivering a copy of the document to the person to be served, to a member of the partnership to be served, to an executive officer, or a director of the corporation to be served, or to a person competent to accept service; or

(2) By leaving a copy thereof at the residence, principal office or place of business of such person, partnership, or corporation.

(3) Proof of service: The return receipt for said order, other process or supporting papers, or the verification by the person serving, setting forth the manner of said service, shall be proof of the service of the document.

(4) Service upon attorney or agent: When any party has appeared by an authorized attorney or agent, service upon such attorney or agent shall be deemed service upon the party.

(d) Service by first class mail. Service by first class mail shall be regarded as complete, upon deposit in the United States mail properly stamped and addressed.

(e) Service by registered mail. Service by registered mail shall be regarded as complete on the date the return post office registered receipt for said orders, notices and other papers, is received by the Commission.

(f) Service by telegraph. Service by telegraph shall be regarded as complete when deposited with a telegraph company properly addressed and with charges prepaid.

(g) Service by publication. Service by publication is complete when due no-

tice shall have been given in the publication for the time and in the manner provided by law or rule.

(h) Date of service. The date of service shall be the day upon which the document is deposited in the United States mail or delivered in person, as the case may be.

(i) Filing with Commission. Papers required to be filed with the agency shall be deemed filed upon actual receipt by the Commission accompanied by proof of service upon parties required to be served. Upon such actual receipt the filing shall be deemed complete as of the date of deposit in the mail or with the telegraph company as provided in paragraphs (e) and (f) of this section.

§ 501.4 Witnesses—(a) Examination of witnesses. Witnesses shall appear in person and be examined orally under oath, except that for good cause shown, testimony may be taken by deposition.

(b) Witness fees and mileage. Witnesses summoned by the Commission on its own behalf or on behalf of a claimant or interested party shall be paid the same fees and mileage that are allowed and paid witnesses in the District Courts of the United States. Witness fees and mileage shall be paid by the Commission or by the party at whose request the witness appears.

(c) Transcript of testimony. Every person required to attend and testify or to submit documents or other evidence shall be entitled to retain or, on payment of prescribed costs, procure a copy or transcript of his testimony or the documents produced.

§ 501.5 Depositions—(a) Application to take. (1) An application to take a deposition shall be in writing setting forth the reason why such deposition should be taken, the name and address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken. If such deposition is being offered in connection with a hearing or examination, the application for deposition shall be made to the Commission at least 15 days prior to the proposed date of such hearing or examination.

(2) Application to take a deposition may be made during a hearing or examination, or subsequent to a hearing or examination only where it is shown for good cause that such testimony is essential and that the facts as set forth in the application to take the deposition were not within the knowledge of the person signing the application prior to the time of the hearing or examination.

(3) The Commission or its representative shall, upon receipt of the application and a showing of good cause, make and cause to be served upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time, the place, and where practicable the designation of the officer performed whom the witness is to testify. Such officer may or may not be the one specified in the application. The order

shall be served upon all parties at least 10 days prior to the date of the taking of the deposition.

(b) Who may take. Such deposition may be taken before the designated officer or, if none is designated, before any officer authorized to administer oaths by the laws of the United States. If the examination is held in a foreign country, it may be taken before a secretary of an embassy or legation, consul general. consul, vice consul, or consular agent of the United States.

(c) Examination and certification of testimony. At the time and place specified in said order the officer taking such deposition shall permit the witness to be examined and cross-examined under oath by all parties appearing, and his testimony shall be reduced to writing by, or under the direction of, the presiding officer. All objections to question or evidence shall be deemed waived unless made in accordance with paragraph (d) of this section. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness and that said officer is not counsel or attorney to any of the interested parties. The officer shall immediately seal and deliver an original and two copies of said transcript, together with his certificate, by registered mail to the Foreign Claims Settlement Commission, Washington 25, D. C., or the field office designated.

(d) Admissibility in evidence. The deposition shall be admissible in evidence, subject to such objections to the questions and answers as were noted at the time of taking the deposition, or within ten (10) days after the return thereof, and would be valid were the witness personally present at the hearing.

(e) Errors and irregularities. errors or irregularities occurring shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

(f) Scope of use. The deposition of a witness, if relevant, may be used if the Commission finds: (1) That the witness has died since the deposition was taken: or (2) that the witness is beyond a distance greater than 100 mile radius of Washington, D. C., the designated field office or the designated place of the hearing; or (3) that the witness is unable to attend because of other good cause shown.

(g) Interrogatories and cross-interrogatories. Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examinations. When a deposition is taken upon interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, and his representative or attorney, a stenographic reporter and the presiding officer, shall be present at the examination of the witness, which fact

shall be certified by such officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

(h) Fees. A witness whose deposition is taken pursuant to the regulations in this part and the officer taking the deposition, shall be entitled to the came fees and mileage allowed and paid for like service in the United States District Court for the district in which the deposition is taken. Such fees shall be paid by the Commission or by the party at whose request the deposition is being taken.

§ 501.6 Documentary evidence. Documentary evidence may consist of books. records, correspondence or other documents pertinent to any hearing, exammation, or investigation within the jurisdiction of the Commission. The application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought. The production of documentary evidence shall not be required at any place other than the witness' place of business. The production of such documents shall not be required at any place if, prior to the return date specified in the subpoena, such person either has furnished the issuer of the subpoena with a properly certified copy of such documents or has entered into a stipulation as to the information contained in such documents.

§ 501.7 Time—(a) Computation. In computing any period of time prescribed or allowed by the regulations by order of the Commission, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(b) Enlargement. When by the regulations in this chapter or by a notice given thereunder or by order of the Commission an act is required or allowed to be done at or within a specified time, the Commission for cause shown may, at any time in its discretion (1) with or without motion or notice, previous order or (2) upon motion permit the act to be done after the expiration of the specified period where the failure to act was the result of excusable neglect.

Subchapter B-Receipt, Administration and Payment of Claims Under the War Claims Act of 1948, as Amended

PART 505-FILING OF CLAIMS AND PROCEDURES THEREFOR

Sec Claim defined. 505.1 Time within which claims may be 505.2 filed.

Official forms. 505.3 505.4 Place of filling claims.

503.7 Resolut of claims. 503.8 Failure to note change of address.

AUXHORITY: 55 505.1 to 505.8 is issued under coe. 2, 63 Stat. 1249, as amended; 50 U. S. C., App. 2001.

§ 505.1 Claim defined. (a) A properly completed and executed application made on an official form provided by the Commission for such purpose constitutes a claim and will be processed under the laws administered by the Commission.

(b) Any communication, letter, note, or memorandum from a claimant, or his duly authorized representative, or a person acting as next friend of a claimant who is not sui juris, setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of section 5 (a) through (e) as amended, section 5 (g), section 6 (e) as amended, section 15, section 16 and section 17 of the act shall be deamed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within thirty (30) days from the date it was transmitted for execution, if the claimant resides in the continental United States or forty-five (45) days if outside the continental United States, the claim will be disallowed.

§ 505.2 Time within which claims may be filed. (a) Claims of individuals entitled to benefits under section 5 (a) through (e) of the War Claims Act of 1948, as amended, solely by reason of the amendments made by Public Law 744 (03d Congress, approved August 31, 1954) will be received by the Commission during the period August 31, 1954 to August 31, 1955, inclusive, in accordance with the notice given pursuant to the provisions of section 101 (e) and section 102 (c) of Public Law 744, 83d Congress, approved August 31, 1954. Claims to be accepted must be postmarked before midnight August 31, 1955, or delivered to the Office of the Foreign Claims Settlement Commission of the United States, Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight August 31, 1955.

(b) Claims made under section 5 (g) of the act will be received by the Commission during the period from August 21, 1954 to (1) August 21, 1955, inclusive; (2) one year from the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or, (3) one year from the date upon which the Commission, at the request of a potentially eligible survivor, malies a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States, whichever of the preceaing dates last occurred, in accordance with notice given pursuant to the pro-505.5 Documents to accompany forms. visions of section 1 (a) of Public Law 615, 505.6 Language for forms and decuments. 83d Congress, approved August 21, 1954. visions of section 1 (a) of Public Law 615,

Claims to be accepted must be postmarked before midnight August 21, 1955. or one year from the occurrence of the condition provided for by (2) or (3) above, whichever is applicable, or de-livered to the Office of the Foreign Claims Settlement Commission of the United States, Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, on the dates set forth above.

(c) Claims made under section 6 (e) of the act will be received by the Commission during the period from August 21, 1954 to (1) August 21, 1955, inclusive; (2) one year from the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or, (3) one year from the date upon which the Department of Defense makes a determination that the prisoner of war has actualy died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States, whichever of the preceding dates last occurred, in accordance with notice given pursuant to the provisions of section 2 (b) of Public Law 615, 83d Congress, approved August 31, 1954. Claims to be accepted must be postmarked before midnight August 21, 1955 or one year from the occurrence of the condition provided for by (2) or (3) above, whichever is applicable, or delivered to the Office of the Foreign Claims Settlement Commission of the United States, Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commision to receive claims on its behalf, on the dates set forth above.

(d) Claims filed under section 15 of the act will be received by the Commission during the period from August 31, 1954 to midnight August 31, 1955, in accordance with the notice given pursuant to the provisions of section 103, Public Law 744, 83d Congress, approved August 31, 1954. Claims to be accepted must be postmarked before midnight August 31, 1955, or delivered to the Office of the Foreign Claims Settlement Commission of the United States at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight August 31, 1955.

(e) Claims filed under section 16 of the act will be received by the Commission during the period from August 31, 1954, to midnight August 31, 1955, in accordance with the notice given pursuant to the provisions of section 103, Public Law 744, 83d Congress, approved August 31, 1954. Claims to be accepted must be postmarked before midnight August 31, 1955, or delivered to the Office of the Foreign Claims Settlement Commission of the United States at Washington, D. C., or any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight August 31, 1955.

(f) Claims filed under section 17 of the act will be received by the Commission during the period from August 31,

1954, to midnight August 31, 1955, in accordance with the notice given pursuant to the provisions of section 103, Public Law 744, 83d Congress, approved August 31, 1954. Claims to be accepted must be postmarked before midnight August 31. 1955, or delivered to the Office of the Foreign Claims Settlement Commission of the United States at Washington, D. C., or any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf. before midnight August 31, 1955.

§ 505.3 Official forms. Official forms are provided for use in the preparation of claims for submission to the Commission for processing. Claim forms are available at the Washington offices of the Commission and through other agencies as the Commission shall designate. An official form is provided for each type of claim that may be made under all the provisions of sections 5, 6, 15, 16, and 17 of the War Claims Act of 1948, as amended. The official forms provided for use with respect to each type of claim under the provisions of these sections are designated and identified as follows:

(a) For detention benefits-by civilian American citizens or their survivors under sections 5 (a) through (e) of the act, as amended by Public Law 744, 83d Congress, approved August 31, 1954, FCSC Form 560—Application for Detention Benefits for Civilian American citizens or their survivors.

(b) For detention benefits by civilian American citizens in Korea or their survivors under section 5 (g) of the act, FCSC Form 560—Application for Detention Benefits for Civilian American citizens or their survivors.

(c) For compensation by Korean prisoners of war or their survivors under section 6 (e) of the act, FCSC Form 670-Application for Korean Conflict Prisoner of War Compensation for members of the Armed Forces of the United States or their survivors.

(d) For compensation by prisoners of war or their survivors under section 15 of the act as amended by Public Law 744, 83d Congress, approved August 31, 1954, FCSC Form 672—Application for Prisoner of War Benefits as a result of capture and internment while serving with an allied military force.

(e) For detention benefits by American merchant seamen or their survivors under section 16 of the act as amended by Public Law 744, 83d Congress, approved August 31, 1954, FCSC Form 570-Application for Detention Benefits for American Seamen or their survivors.

(f) For reimbursement of sequestered bank deposits and other credits by specific individuals, corporations, and financial institutions in the Philippines, under section 17 of the act, FCSC Forms 1301-1305-Application for the Reimbursement of Sequestered Bank Deposits by the Imperial Japanese Government in the Philippines during World War II.

§ 505.4 Place of filing claims. Claims may be submitted to the Office of the Foreign Claims Settlement Commission of the United States, Washington, D. C., or at any field office thereof, or with any

person or agency authorized by the Commission to receive claims on its behalf.

Documents to accompany § 505.5 forms. All claims filed pursuant to the provisions of section 5 (a) through (e), 5 (g) 6 (e), 15, 16 and 17 of the act shall be accompanied by all the evidentiary documents, instruments and records prescribed in the instructions which accompany each type of official form (see § 505.3) If such evidentiary documents, instruments, and records do not accompany the claim and are not furnished within 30 days provided the claimant resides within the continental United States or 45 days if the claimant is outside continental United States following the date of request, the claim may be deemed to have been abandoned and be disallowed.

§ 505.6 Language for forms and documents. Official forms shall be prepared in accordance with the instructions which accompany each type of official form and in the English language, but evidentiary documents, instruments, or records, or authenticated copies thereof, shall be submitted in the language in which originally written.

§ 505.7 Receipt of claims—(a) Claims deemed received. A claim shall be deemed to have been received by the Commission on the date postmarked, if mailed, or if delivery is made in person, on the date when delivered, either at the office of the Commission in Washington, D. C., at any field office thereof, or with any person or agency authorized by the Commission to receive claims on its behalf.

(b) Claims developed. In the event that a claim has been so prepared as to preclude processing thereof, the Commission may request the claimant to furnish whatever supplemental evidence, including the completion and execution of an official form, as may be essential to the processing thereof. If the evidence or official form requested is not received within the time limitations set forth in §§ 505.1 and 505.5, the claim may be deemed to have been abandoned and be disallowed.

§ 505.8 Failure to note change of address. If any communication mailed to the claimant at the last address furnished to Commission is returned unclaimed, the claim may be disallowed for failure of the claimant to keep the Commission informed of current address. Such claims shall thereupon be sent to the closed files.

PART 506—PROVISIONS OF GENERAL APPLICATION

Sec 506.1 Persons eligible to file claims. 506.2 Persons under legal disability. 506.3 Definitions.

AUTHORITY: \$\$ 506.1 to 506.3 issued under sec. 2, 62 Stat, 1240, as amended: 50 U. S. C. App. 2001.

§ 506.1 Persons eligible to file claims. Persons eligible to submit claims to the Commission under the provisions of sections 5, 6, 15, 16 or 17 of the act, are:

(a) Civilian American citizens or the survivors of deceased civilian American citizens, including husbands and parents, for detention benefits under the provisions of section 5 (a) through (e) of the act, solely by reason of the amendment made by Public Law 744.

(b) Civilian American citizens in Korea or the survivors of deceased civilian American citizens, including husbands and parents, under the provisions of section 5 (g) of the act.

(c) Korean prisoners of war or the survivors of deceased prisoners of war, including husbands, under the provisions of section 6 (e) of the act.

(d) American prisoners of war serving with allied forces or the survivors of deceased American prisoners of war, including husbands, for detention benefits under the provisions of section 15 of the act.

(e) American citizens who were serving as merchant seamen or the survivors of deceased merchant seamen, including husbands and parents, for detention benefits under the provisions of section 16 of the act.

(f) Individuals, or the survivors of such individuals, American-owned business firms, or banks and other financial institutions for reimbursement of sequestered bank accounts or other credits under section 17 of the act.

(g) Surviving husbands of deceased American prisoners of war under sections 6 (b) and (d) of the act as amended by Public Law 744, 83d Congress, Approved August 31, 1954, who were deemed ineligible by reason of dependency prior to enactment to such law.

§ 506.2 Persons under legal disability. (a) Claims may be submitted on behalf of persons who, being otherwise eligible to make claims under the provisions of sections 5 (a) through (e) 5 (g) 6 (e) and 15, 16 and 17 of the act, are incompetent or otherwise under any legal disability, by the natural or legal guardian, committee, conservator, curator, or any other person including the spouse of such claimant, whom the Commission may determine is vested with the care of the claimant or his estate.

(b) Upon the death of any individual for which an award has been made, the Commission may consider the initial application filed by or in behalf of the decedent as an informal claim for the purpose of reissuing the award to the next eligible survivor in the order of preference as set forth in sections 5 (d) 5 (g) and 6 (c) of the act.

Definition—(a) Widow. "widow" is the surviving female spouse of a deceased prisoner of war or a deceased civilian American citizen who was married to the deceased at the time of his death by a marriage valid under the applicable law of the place where entered into.

(b) Husband. A "husband" is the surviving male spouse of a deceased prisoner of war or of a deceased civilian American citizen who was married to the deceased at the time of her death by a marriage valid under the applicable law of the place where entered into.

(c) Child. (1) A "child" is a natural or adopted son or daughter of a deceased prisoner of war or a deceased civilian American citizen, including any post-

humous son or daughter of such deceased person.

(2) Any son or daughter of such deceased person born out of wedlock will be deemed to be a child of such deceased for the purposes of this act, if, (i) legitimated by a subsequent marriage of the parents, (ii) recognized as a child of the deceased by his or her admission, or (iii) so declared by an order or decree of any court of competent jurisdiction.

(d) Parent. (1) (i) A "parent" is the natural or adoptive father or mother of a deceased prisoner of war, civilian American citizen, American merchant seaman, or any person standing in loco parentis to such deceased person, for a period of not less than one year immediately preceding the date of his entry into active service and during at least one year of his minority. Not more than one mother and/or father as defined shall be recognized in any case. A person will not be recognized as standing in loco parentis if the natural parents or adoptive parents are living, unless there is affirmative evidence of abandonment and renunciation of parental duties and obligations by the natural or adoptive parent or parents prior to entry into active service by the deceased prisoner of war, or prior to internment of the deceased civilian American citizen or American merchant seaman.

(ii) An award in the full amount allowable had the deceased prisoner of war, civilian American citizen, or American merchant seaman, survived may be made to only one parent when it is shown that the other parent has died or if there is affirmative evidence of abandonment and renunciation of parental duties and obligations by the other parent.

(2) The father of an illegitimate child will not be recognized as such for purposes of the act unless evidence establishes that (i) he has legitimated the child by subsequent marriage with the mother: (ii) recognized the child as his by written admission prior to enlistment of the deceased in the armed forces, or internment in the case of a civilian American citizen or American merchant seaman; (iii) or prior to death of the child he has been declared by decree of a court of competent jurisdiction to be the father.

(e) Natural guardian. The father and mother shall be deemed to be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other. In the event of death or incapacity of both parents then such blood relative, paternal or maternal, standing in loco parentis to the minor shall be deemed the natural guardian.

PART 507-ENTITLEMENT TO AWARD

Subpart A-Prisoner of War Compensation

507.1 Persons entitled to award of compensation. Rate of and basis for award of com-507.2 pensation. 507.3 Membership in the military or naval forces of the United States.

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Authorax: 58 507.1 to 507.117 icsusi under cos. 2, 62 Stat. 1249, as amended; 50 U. S. C. App. 2891.

SUDPART A-PRISONER OF WAR COMPENSATION

§ 507.1 Persons entitled to award of compensation. (a) Persons in the following categories who make claim may be entitled to an award of compensation as a prisoner of war: (1) Any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to August 21, 1954, and (2) any mdividual who, being then an American citizen, served in the military or naval forces of any government allied with the United States during World War II who was held as a prisoner of war for any period of time subsequent to December 7, 1941 by any government of any nation with which such allied government has been at war subsequent to such date:

(b) With respect to any of whom the enemy government or hostile force by which he was held as a prisoner of war (1) failed to abide by the standards relating to the quantity and quality of food to be furnished as a prisoner of war under the terms of the Geneva Convention of July 27, 1929; or (2) failed to abide by the standards relating to humane treatment to be accorded prisoners of war and the standards governing labor of prisoners of war set forth in the Geneva Convention of July 27, 1929.

§ 507.2 Rate of and basis for award of compensation. (a) Compensation allowed a prisoner of war under sections 6 (b) and 6 (e) (2) of the act will be paid at the rate of \$1 per day for each day he was held as a prisoner of war on which the enemy government or a hostile force failed to furnish him such quantity or quality of food in accordance with the standards established under the terms of the Geneva Convention of July 27, 1929.

(b) Compensation allowed a prisoner of war under the terms of section 6 (d) and 6 (e) (3) of the act, will be paid at the rate of not to exceed \$1.50 for each day that he was held as a prisoner of war on which the enemy government subjected him to inhumane treatment and/or compelled him to engage in labor contrary to the standards established under the provisions of the Geneva Convention of July 27, 1929.

(c) Any amount allowed under sections 6 (b) and 6 (d) to any American citizen who served in the military or naval forces of a government allied with the United States during World War II. shall be reduced by such sum as the individual entitled to compensation under section 15 of the act has received or is entitled to receive from any government by reason of the same detention.

§ 507.3 Membership in the military or naval forces of the United States. Regular appointment, enrollment, enlistment or induction in the military or naval forces of the United States shall be established by certification of the Department of Defense.

§ 507.4 Military or naval forces of the United States. "Military or naval forces of the United States" means the United States Army, Navy, Marine Corps and

Coast Guard; commissioned officers of the United States Public Health Service who were detailed for active duty with the Army, Navy, Marine Corps or Coast Guard; commissioned officers of the United States Coast and Geodetic Survey who were assigned to duty during World War II, or for any period of time subsequent to June 25, 1950 and prior to August 21, 1954 on projects of the War and Navy Departments outside the continental United States.

§ 507.5 Membership in the military or naval forces of any government allied with the United States. Membership in the military or naval forces of any government allied with the United States shall be established either by.

(a) Certification by the military or naval force of any government allied with the United States:

(b) Authenticated statement by the Embassy or consulate representatives of such allied government;

(c) Certification by the Department

of Defense; or

(d) · Certification by the State Department, or by any other agency of the United States Government.

§ 507.6 Military or naval forces of any government allied with the United States. "Military or naval forces of any government allied with the United States" means the Army, Navy, Air Corps, Marine Corps, and any other organized military force of any government in which an alliance existed between such government and the United States during World War II, or the military or naval forces of any government which has been exiled or outlawed by the Axis Powers who contributed to the war effort of the United States and the Allied Governments.

§ 507.7 Hostile force. "Hostile force" means any military or naval force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to June 25, 1950, and prior to August 21, 1954.

§ 507.8 Subsequent to December 7 1941. "Subsequent to December 1941," means any time following 12:00 o'clock midnight, December 7, 1941.

§ 507.9 Subsequent to June 25, 1950. "Subsequent to June 25, 1950," means any time following 12:00 o'clock midnight, June 25, 1950.

§ 507.10 Prior to August 21, 1954. "Prior to August 21, 1954," means any time prior to 12:00 o'clock midnight. August 20, 1954.

§ 507.11 The Geneva Convention. The Geneva Convention is the "Convention of July 27, 1929, Relative to The Treatment of Prisoners of War" entered into between the United States and other powers at Geneva, Switzerland, on July 27, 1929, to the observance of which, among other signatory powers, the United States, Germany, Italy, Hungary, Bulgaria, Thailand, and Japan subsequently became bound.

§ 507.12 Obligation of and failure to abide by the standards established by the Geneva Convention. For the purposes of this part, the obligation of the Geneva

Convention is the responsibility assumed by the contracting parties thereto, with respect to prisoners of war within the meaning of the Convention, to comply with and to fully observe the provisions of the Convention, and particularly those articles relating to food ration of prisoner of war, humane treatment, protection, and labor of prisoners of war, and the failure to abide by the standards established in such Convention by any hostile force with which the Armed Forces of the United States were engaged in armed conflict subsequent to June 25, 1950.

§ 507.13 Equal in quantity and quality. "Equal in quantity and quality" means food that is equal in amount and volume, and in edibility, palatability, and nutritional value to a standard ration prescribed by the detaining power for issue to its own military or naval personnel at its own base camps.

§ 507.14 Base camp. "Base camp" means a permanent military establishment used by the detaining power to provide quarters for components of its own regularly established military or naval forces, and for the purposes of this part, shall be deemed to include only camps at which a standard ration or standard quarters were prescribed by the detaining power for issue or allotment to its own regularly established military or naval forces.

§ 507.15 Violation of the obligation of the Geneva Convention. For the purposes of this part, the obligation of the Geneva Convention shall be deemed to have been violated by the enemy government each day

(a) That it did not furnish prisoners of war within the meaning of this act and the Geneva Convention with food of like quantity or quality as that prescribed by the detaining power as a standard ration for issue to its own regularly established military or naval forces at its own base camps.

(b) That it compelled prisoners of war to perform labor and failed to comply with the standards prescribed in the labor provisions of the Geneva Convention of July 27, 1929, including those listed in subparagraphs (1) to (13) of this paragraph but not excluding any provision which may be appropriately applied.

(1) The labor of able prisoners of war, if utilized, should have been utilized by the detaining power only in accordance with their rank and aptitude, officers and persons of equivalent status excepted.

(2) Non-commissioned officers should have been required to do only supervisory work, unless they expressly requested remunerative work.

(3) Prisoners of war who were victims of accidents in connection with their work were entitled to the provisions applicable to laborers of the same class according to the legislation of the detaining power, and if no such legislation existed, all proper measures to equitably indemnify the victims should have been taken.

(4) The detaining power had full responsibility for the maintenance, care, treatment and payment of wages of prisoners of war working for private persons.

(5) No prisoner of war should have been employed at labor for which he

was physically unfit.

- (6) The length of a day's work of prisoners of war, including the trip going and returning, should not have been excessive and should not, in any case, have exceeded that customary for civilian workers in the region employed at the same work.
- (7) Every prisoner of war should have been allowed a rest period of 24 consecutive hours every week.
- (8) Labor furnished by prisoners of war should not have had any direct relation with war operations, especially in manufacturing or transporting arms or munitions of any kind, or in transporting material intended for combat units.
- (9) Prisoners of war should not have been employed at unhealthful or dangerous work; the conditions of labor should not have been aggravated by disciplinary measures.
- (10) Labor detachments should have worked only under conditions similar to the standards fixed for prisoner of war camps, particularly with respect to sanitary conditions, food, attention in case of accident or sickness, correspondence and the receipt of packages.
- (11) Prisoners of war were not entitled to receive wages for work connected with the administration, management and maintenance of prisoners of war camps.
- (12) Prisoners of war utilized for other work were entitled to wages in amounts prescribed through agreement between belligerents.
- (i) Such agreements should have specified the portion which was to be retained by the camp administration, the amount which was to be paid to the prisoner of war, and the manner in which that amount was to be put at his disposal during the period of his captivity.
- (ii) In the absence of such agreement, work done for the detaining power should have been paid for in accordance with the rates in force for soldiers of the national army doing the same work, or if none existed, according to a rate in harmony with the work performed.
- (iii) Work performed for the account of other public administrations or for private persons, should have been paid for as regulated by agreement with the military authority.
- (13) The proceeds of wages remaining to the credit of a prisoner of war should have been delivered to him at the end of his captivity, and in the event of his death, should have been forwarded through diplomatic channels to his heirs.
- (c) That it failed to accord to prisoners of war humane treatment as required by the standards prescribed in the provisions of the Geneva Convention of July 27, 1929, including those listed in subparagraphs (1) to (14) of this paragraph but not excluding any provisions relating to humane treatment which may be appropriately applied.
- (1) Prisoners of war should at all times have been humanely treated and protected, particularly against acts of

violence, insults and public curiosity. Measures of reprisal against them should have been prohibited.

- (2) Prisoners of war should have had their person and their honor respected. Women should have been treated with all the regard due to their sex. Prisoners were entitled to retain their full civil status.
- (3) Prisoners of war should have been evacuated within the shortest possible period after their capture, to depots located in regions far enough from the zone of combat for them to be out of danger.
- (i) Only those prisoners who, because of wounds or sickness, would have been exposed to greater risks by such evacuation than by remaining may have been temporarily kept in a dangerous zone.
- (ii) Prisoners of war should not have been needlessly exposed to danger while awaiting their evacuation from a combat zone.
- (iii) Evacuation of prisoners on foot should normally have been effected only in stages of 20 kilometers per day, unless the necessity for reaching water and food depots required longer stages.

(4) Prisoners of war should have been lodged in buildings or in barracks affording all possible guarantees of hygiene and healthfulness.

(i) The quarters of prisoners of war should have been fully protected from dampness, sufficiently heated and lighted. All precautions should have been taken against fire hazards.

(ii) If dormitories were used, the total surface minimum cubic amount of air, arrangement, material of bedding, and other conditions, should have met the standards established for troops at base

camps of the detaining power.

(5) Clothing, linens and footwear should have been furnished to prisoners of war by the detaining power. Replacement and repair of such effects should have been accomplished regularly, in addition, laborers should have received work clothes wherever required by the nature of the work.

(6) Canteens should have been installed in all camps where prisoners of war could obtain, at the local market price, food products and ordinary objects. Profits made by such cantcens for camp administrations should have been used for the benefit of priconers.

(7) The detaining powers should have taken all sanitary measures necessary to insure the cleanliness and healthfulness of the camps and to prevent epidemics.

- (i) Prisoners of war were entitled to have at their disposal, day and night, installations conforming to sanitary rules and constantly maintained in a state of cleanliness.
- (ii) Without prejudice to baths and showers, with which the camp should have been as well provided as possible, prisoners should have been furnished sufficient quantity of water for the care of their own bodily cleanliness.

(iii) Provisions should have been made for prisoners of war to take physical exercise and to enjoy the open air.

(8) Officers and persons of equivalent status as prisoners of war should have been treated with due regard to their rank and age.

- (9) In order to insure service in officers camps, coldiers of the same army who were prisoners of war and, wherever possible, who spoke the same language, should have been assigned thereto, in sufficient numbers, considering the rank of the officers and persons equivalent in status.
- (10) With respect to arrest of a prisoner of war for disciplinary punishment the duration of a single punishment should not have exceeded 30 days.
- (i) The maximum of 30 days should not have been exceeded in the case of several acts for which the prisoner was required to undergo discipline at the time when it was ordered for him whether or not such acts were connected.
- (ii) When, during, or after the end of the period of arrest, the prisoner had a new disciplinary punishment imposed on him, a space of at least 3 days should have separated each of the periods of arrest, if any one of them for a period of 10 days or more.

(11) In no case should prisoners of war have been transferred to penitentiary establishments for the purpose of disciplinary punishment.

(12) The quarters in which prisoners of war were subjected to disciplinary punishment should have conformed to canitary requirements set out in the Convention.

(13) Prisoners subjected to disciplinary punishment should have been afforded the opportunity to keep themcelves clean and should have been allowed to exercise or stay in the open air for a period of at least two hours

during each day under such punishment.

(14) Prisoners of war subjected to disciplinary punishment should have been allowed to read and write as well as to cend and receive letters. Packages and money for prisoners of war subjected to disciplinary punishment may have been withheld until the expiration of such punishment.

§ 507.16 Survivors entitled to award of compensation. In the case of the death of a prisoner of war who would have been entitled to an award of compensation under sections 6 (e) and 15 of the act, such compensation shall be awarded to, and if claim is made only to, the following persons: (a) Widow or husband if there is no child or children of the deceased: (b) widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares; (c) child or children of the deceased (in equal shares) if there is no widow or husband; and (d) parents (in equal shares) if there is no widow, husband, or child.

SUBPART D-INTERNED CIVILIAN AMERICAN CITIZENS AND MERCHANT SEAMEN DETEN-TION DENEFITS

§ 507.30 Persons entitled to award of detention benefits. (a) Any civilian American citizen who, being then a citizen of the United States, was captured by the Imperial Japanese government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place (referred to in this subpart as "internee") or who went into hiding at any such place in order to avoid capture or internment (referred to in this subpart as an "evader") by such government;

(b) Any individual being then a citizen of the United States on and after December 7, 1941, to the date of his death or the date of filing a claim, who was then employed as a seaman or crew member on any vessel registered under the laws of the United States, or under the laws of any government friendly to the United States during World War II, was captured or interned or held by the Governments of Germany and Japan for any period of time subsequent to December 7, 1941, during which he was held by either government as a prisoner, internee, hostage, or in any other capacity except any such individual who is entitled to, or who has received benefits under Section 5 of the act as a "civilian American citizen".

(c) Any civilian American citizen who, being then a citizen of the United States, was captured in Korea on or after June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to August 21, 1954, or who went into hiding in Korea to avoid capture or internment by any such hostile force, and who makes claim is a person entitled to an award of detention benefits.

§ 507.31 Term "being then" defined. "Being then" as used in the phrase "being then a citizen of the United States" means (a) in the case of an internee, the date upon which he was captured by the Imperial Japanese Government (b) in the case of an evader, the date upon which he initiated a course of conduct intended to effect an evasion of capture or interment by such government, or (c) in the case of a child born of an evader or internee on or after December 7, 1941, the date of birth of such child, (d) any individual described in § 507.30 (b) must have continued to retain his United States citizenship status on the date of his death or the date of filing a claim under section 16 of the act.

§ 507.32 Citizen of the United States. "Citizen of the United States" means a person who under applicable law acquired citizenship of the United States by birth, by naturalization, or by derivation.

§ 507.33 Captured by. A civilian American citizen or an American merchant seaman shall be deemed to have been captured by the Imperial Japanese Government, the Government of Germany, or by any hostile force with which the Armed Forces of the United States were engaged in armed conflict, at the time when, by reason of any act of such governments or hostile force or any agent thereof, he was taken into actual or constructive custody by such government, whether by forceable seizure and detention or by his compliance with any order of such government or hostile force,

however published, directing him to restrict his freedom of movement.

§ 507.34 On or after December 7, 1941. "On or after December 7, 1941" means any time subsequent to 12:00 o'clock midnight of December 6, 1941.

§ 507.35 Subsequent to December 6, 1941. "Subsequent to December 6, 1941" means any time subsequent to 12:00 o'clock midnight of December 6, 1941.

§ 507.36 On or after June 25, 1950. "On or after June 25, 1950" means any time subsequent to 12:00 o'clock midnight of June 24, 1950.

§ 507.37 Subsequent to June 25, 1950. "Subsequent to June 25, 1950" means any time subsequent to 12:00 o'clock midnight of June 25, 1950.

§ 507.38 Prior to August 21, 1954. "Prior to August 21, 1954" means any time-before midnight of August 20, 1954.

§ 507.39 Such government. "Such government" means: (a) the Imperial Japanese government or any agent or employee thereof who in the Philippine Islands or other such place subsequent to December 7, 1941, or (b) the government of Germany or any agent or employee who was engaged in any military or civil activities designed to further the prosecution of its war against the United States.

§ 507.40 Such hostile force. "Such hostile force" means any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict or any agent or employee thereof, who, in Korea, on or after June 25, 1950, and prior to August 21, 1954, engaged in any military or civil activities designed to further the prosecution of its armed conflict against the Armed Forces of the United States.

§ 507.41 In transit to or from. A civilian American citizen shall be deemed to have been in transit to or from any such place when he was traveling by sea or by air aboard a public, private, or government carrier in any capacity, the destination of which carrier was, or the itinerary of which included calls at Midway, Guam, Wake Island, the Philippine Islands, Alaska, or any other Territory or possession of the United States attacked or invaded by such government, or which has taken a departure from any such place.

§ 507.42 Any such place. "Any such place" means Midway, Guam, Wake Island, the Philippine Islands, Alaska, or any Territory or possession of the United States attacked or invaded by such government.

§ 507.43 Went into hiding. A civilian American citizen shall be deemed to have entered into hiding to avoid capture or internment by the Imperial Japanese Government or a hostile force when he initiated a course of conduct consistent with an intention to evade such capture or detention.

§ 507.44 Rate of detention benefits. Detention benefits awarded a civilian American citizen or an American citizen

merchant seaman will be paid at the rate of \$60.00 for each calendar month of internment during which such person was at least eighteen years of age and at the rate of \$25.00 for each calendar month of internment during which such person was less than eighteen years of age. Awards shall take account of fractional parts of a calendar month.

§ 507.45 Calendar month. "Calendar month" means the period of time between a designated day of any given month and the date preceding a similarly designated day of the following month.

§ 507.46 Less than eighteen years of age. A civilian American citizen shall be deemed to have been less than eighteen years of age at any time prior to 12:01 a.m. of the date on which such person would have attained his eighteenth birthday.

§ 507.47 Survivors entitled to award of detention benefits. In the case of the death of a civilian American citizen who would have been entitled to detention benefits under the act, such benefits shall be awarded if claim is made only to the following persons: (a) Widow or husband if there is no child or children of the deceased; (b) widow or husband and child or children of the deceased, onehalf to the widow or husband and the other half to the child or children in equal shares; and (c) child or children of the deceased (in equal shares) if there is no widow or husband; (d) parents (in equal shares) if there is no husband, or child.

§ 507.48 Persons not entitled to award of detention benefits. Certain persons are disqualified for an award of detention benefits as follows:

(a) (1) A person who at any time voluntarily gave aid to, or collaborated with, or in any manner served the Imperial Japanese government, or

(2) Any merchant seaman, or his survivor or survivors, who, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II.

(3) A person who at any time voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict on or after June 25, 1950 and prior to August 21, 1954.

(b) A person who at the time of capture or entrance into hiding was a regularly appointed, enrolled, enlisted, or inducted member of any military or naval

§ 507.49 Voluntarily. "Voluntarily" means to have acted freely and willingly, without coercion, duress or constraint and without imminent peril of substantial punitive action against the person.

§ 507.50 Knowingly. "Knowingly" means to have acted consciously, intentionally, and with actual knowledge of the performance of the act.

§ 507.51 Without duress. "Without duress" means to have acted freely and without unlawful restraint.

§ 507.52 Collaborated with. A civilnan American citizen shall be deemed to have collaborated with such government when he so acted as to give and or assistance to such government whether military, political, intellectual or economic in nature, with or without adherence to such government, and when such acts were not such as to be within the duty of obedience which inhabitants of occupient, under recognized international law.

§ 507.53 Gave aid to. A civilian American citizen shall be deemed to have given aid to such government when by an overt act on his part he furthered the hostile designs of such government or strengthened or tended to strengthen such government in the prosecution of its war against the United States.

§ 507.54 In any manner served. A civilian American citizen shall be deemed to have in some manner served such government when he performed any service for such government which aided or tended to aid it, or which anticipated its desires, or which furthered or implemented its ends and purposes, and which was beyond services to which such government was entitled to demand or require as transactions in the ordinary course of civil society as a military occupant.

SUBPART C—REIMBURSEMENT TO INDIVIDUALS, PARTNERSHIPS, FIRMS, CORPORATIONS, BANKS, AND OTHER LEGAL ENTITIES OR FINANCIAL INSTITUTIONS FOR SEQUESTERED BANK ACCOUNTS

§ 507.100 Eligibles. (a) Any individual who was a member of the military or naval forces of the United States, or is a national of the United States; (b) American-owned business firms; (c) Banks, and other financial institutions.

§ 507.101 Individuals. The term "individuals" as used in this part shall include (a) persons, who on or after December 7, 1941, were members of the military or naval forces of the United States, and (b) persons who, on December 7, 1941 and on August 31, 1954, were nationals of the United States.

§ 507.102 Members of the military or naval forces of the United States. Members of the armed forces of the United States shall mean any regularly appointed, enrolled, enlisted, or inducted members of the military or naval forces of the United States, Army, Navy, Marine Corps and Coast Guard; commissioned officers of the United States Public Health Service who were detailed for active duty with the Army, Navy, Marine Corps or Coast Guard; commissioned officers of the United States Coast and Geodetic Survey who were assigned to duty during World War II on projects of the War and Navy Departments outside the continental United States.

§ 507.103 Nationals of the United States. "Nationals of the United States" means any person who under applicable law is a citizen of the United States, or a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

§ 507.104 Survivors of individuals. In the case of death of any individual defined in § 507,101, who would have been entitled to payment of any claim under section 17 of the Act, if living, payment of such claim shall be made to the individuals specified in the following order of preference: (a) Widow or husband if there is no child or children of the deceased; (b) widow or husband and child or children of the deceased, onehalf to the child or children of the deceased in equal shares; (c) child or children of the deceased in equal shares if there is no widow or husband; and (d) parents (in equal shares) if there is no widow, husband or child.

§ 507.105 American-owned business firms. American-owned business firms means any partnership, corporation or any other legal entity in which more than 50 per centum of the ownership was vested, directly or indirectly, in individuals described in § 507.101.

§ 507.106 Banks and other sinancial institutions. "Banks and other financial institutions" means any bank, institution, company, organization, partnership, corporation, or association, a substantial portion of whose business is dealing in money, handling of active accounts, savings accounts, investment and management of funds, buying and discounting commercial paper, and other monetary transactions, doing business in the Philippine Islands which reestablished the sequestered accounts, deposits or other credits of individuals and American-owned business firms in which more than 50 per centum of the ownership was vested directly or indirectly, both on December 7, 1941, and on the date of reestablishment of such sequestered accounts in individuals referred to in § 507.101.

§ 507.107 Sequestration of accounts, deposits, or other credits. "Sequestration of accounts, deposits, or other credits" means the seizure or transfer of such accounts, deposits, or other credits held by banks or other financial institutions of individuals and American-owned business firms, by the Imperial Japanese Government pursuant to Japanese Military Ordinance No. 1 dated June 25, 1942 and "ZAI" Order No. 257 on October 4, 1942

§ 507.103 Re-established sequestered accounts, deposits or other credits. "Reestablished sequestered accounts, deposits or other credits" means the rein-statement, in whole or in part of all credits standing on the books of any bank or financial institution on January 2, 1942, or at the time of sequestration whichever date is applicable; that such bank or financial institution satisfies the Commission that it has made delivery or is under a legal obligation to make delivery to the depositor or other creditor; and that there is a reasonable likelihood that the bank or financial institution will be called upon to pay the obligation so reflected by its records.

§ 507.109 Accounts, deposits, or other credits. "Accounts, deposits, or other credits" means any sum of money or its

equivalent held as an account, deposit, in trust, or held upon any agreement by any bank or financial institution doing business in the Philippine Islands for any individual or American-owned business firm which was subjected to the sequestration orders of the Imperial Japanese Government.

§ 507.110 Ownership. "Ownership" for the purpose of this part means that in excess of 50 per centum of any partnership, firm, corporation, or other legal entity eligible to file claims under section 17 of the act, must have been vested in individuals defined in § 507.101, directly or indirectly, both on December 7, 1941 and on August 31, 1954.

§ 507.111 Payment of claims. Each claim allowed under section 17 of the act will be paid as follows: (a) Awards equal to or less than \$500 shall be paid immediately upon determination of the amount found to be due, (b) awards in excess of \$500 shall be paid in two installments. The first installment shall be in an amount equal to \$500 plus 66% per centum of any amount allowable in excess of \$500. The last installment shall be computed as of September 1, 1956, and in the event there are sufficient funds remaining in the War Claims Fund on such date, the unpaid portion of the award will be paid in full. If the sums remaining in the Fund on September 1, 1956, are not sufficient to satisfy such award the final installment payable on each award shall be reduced ratably and paid at the reduced amount.

§ 507.112 Individuals not eligible for reimbursement. No payment of an award made under section 17 of the act shall be paid to any individual who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War T.

§ 507.113 Voluntarily, Imountarily, and without duress. "Voluntarily, knowingly, and without duress" means to have acted freely and willingly, without coercion, duress, or constraint and without imminent peril of substantial punitive action against the person.

§ 507.114 Collaborated with. An individual shall be deemed to have collaborated with such Government when he so acted as to give aid or assistance to such government whether military, political, intellectual or economic in nature, with or without adherence to such government, and when such acts were not such as to be within the duty of obedience which inhabitants of occupied territory owe the military occupant, under recognized international law.

§ 507.115 Gave aid to. An individual shall be deemed to have given aid to such Government when by an overt act on his part he furthered the hostile designs of such government or strengthened or tended to strengthen such government in the prosecution of its war against the United States.

§ 507.116 In any manner served. An individual shall be deemed to have in some manner served such government

when he performed any service for such government which aided or tended to aid it, or which anticipated its desires, or which furthered or implemented its ends and purposes, and which was beyond services to which such government was entitled to demand or require as transactions in the ordinary course of civil society as a military occupant.

§ 507.117 Government hostile to the United States during World War II.
"Government hostile to the United States during World War II" means any government of any nation with which the United States has been at war subsequent to December 7, 1941, or any government which declared war on the United States on or after December 7, 1941.

PART 515—PAYMENT

Sec. 515.1 The War Claims Fund.

515.2 Payments under the War Claims Act.

Reissuance of awards.

515.4 Payment of fees.

AUTHORITY: §§ 515.1 to 515.4 issued under Sec. 2, 62 Stat. 1240, as amended; 50 U.S.C., App. 2001.

§ 515.1 The War Claims Fund. There is created on the books of the Treasury of the United States, a trust fund known as the War Claims Fund, which consists of all sums covered into the Treasury pursuant to the provisions of section 39 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411) as amended, the momes of which fund are available for expenditure as provided in other sections of the War Claims Act.

§ 515.2 Payments under the War Claims Act. (a) Living prisoners of war, living civilian American citizens, or living American merchant seamen. Any award made to a living prisoner of war for compensation; or to a living civilian American citizen or an American merchant seaman for detention benefits, will be certified to the Secretary of the Treasury for payment to the person entitled thereto, and if applicable, under the procedure set forth in subparagraph (e) except that as to persons under legal disability payment will be made as specified in paragraph (c) of this section.

(b) Survivors of deceased prisoners of war deceased civilian American citizens, or deceased American merchant seamen. Awards made to the survivors of deceased prisoners of war, the survivors of deceased civilian American citizens, or to the survivors of American merchant seamen, will be certified to the Secretary of the Treasury for payment to the individual members of the class or classes of survivors entitled thereto in the full amount of the share to which each survivor is entitled, and if applicable, under the procedure set forth in §515.3, except that as to persons under any legal disability payment will be made as specified in paragraph (c) of this section.

(c) Payments to persons under legal disability. Any award or any part of an award payable pursuant to section 5 (a) through (e) (g) 6, 15, 16 or 17 of the act to any person under legal disability

may, in the discretion of the Commission. be paid for the use of the claimant to, the natural or legal guardian, committee, conservator or curator, or if there is no such natural or legal guardian, committee, conservator or curator then, in the discretion of the Commission, to any person, including the spouse of such person, or the Chief Officer of the hospital in which the claimant may be a patient, whom the Commission may determine is vested with the care of the claimant or of his estate. In the case of a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.

(d) Payments to individuals, partnerships, firms, corporations, banks, or other legal entities and financial institutions. Any award made under section 17 of the act to an individual or his survivors described therein, or to-any partnership, firm, corporation, bank, or other legal entities and financial institutions, will be certified to the Secretary of the Treasury for payment to the individual or partnership, firm, corporation, bank, or other legal entities and financial institutions entitled thereto, except that as to individuals under legal disability, payment will be made pursuant to paragraph (c) of this section.

§ 515.3 Reissuance of awards. Upon the death of any individual described in § 515.2 (a) and (b) or an individual entitled to payment of a claim under section 17 of the act, the Commission may reissue the award to the next eligible survivor in the order of preference as set forth in sections 5 (d) 5 (g) and 6 (c) of the act.

§ 515.4 Payment of fees. Fees of attorneys or agents will not be deducted in whole or in part from the amount awarded to any claimant. The Commission reserves the right to withhold certification for payment of any award to any claimant represented by an attorney or agent until it is satisfied that the provisions of the act, relative to fees for services rendered, or any rule or regulation adopted by the Commission have been or will be complied with.

PART 525-HEARINGS

Sec. 525.1, Basis for hearing. Form of hearing: 525.3 When held. 525.4 Purpose of hearings.

525.5 Conduct of hearings. AUTHORITY: §§ 525.1 to 525.5 issued under sec. 2, 62 Stat. 1240, as amended; 50 U.S.C. App. 2001.

§ 525:1 Basis for hearing. Any claimant whose claim is denied or is approved for less than the full allowable amount under sections 5, 6, 15, 16 and 17 of the War Claims Act of 1948, as amended, shall be entitled to a hearing from such determination.

§ 525.2 Form of hearing. The Commission shall schedule a hearing and notify the claimant as to the date and place such hearing is to be held. The claimant may waive such hearing. In that event and upon receipt of claimant's waiver, the scheduled hearing shall be

stricken from the hearing calendar and in cases of partial allowance the award shall be certified to the Secretary of the Treasury for payment.

§ 525.3 When held. Hearings shall held only as ordered by the Commission, and shall be held before the Commission, one or more of its members, or a duly authorized and designated representative.

§ 525.4 Purpose of hearings. Such hearings shall be conducted for the purpose of receiving the testimony of witnesses, documents and other data relating to subjects within the jurisdictions of the Commission.

§ 525.5 Conduct of hearings. (a) Unless otherwise ordered by the Commission, such hearings shall be public. Hearings shall be stenographically reported and a transcript thereof shall be a part of the record.

(b) The rules of evidence prevailing in courts of law and equity shall not be controlling. Any testimony or other evidence having probative value shall be received. However, it shall be the policy to exclude irrelevant, incompetent, immaterial or unduly repetitious evidence.

Subchapter C-Receipt, Administration and Payment of Claims Under the International Claims Settlement Act of 1949, as Amended

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

Sec. 531.1 Time for filing.

Form and content. 531.2

Exhibits and documents in support of 531.3 claim.

Acknowledgement and numbering. 531.4 531.5 Procedure for determination of claims.

531.6 Hearings.

AUTHORITY: § 531.1 to 531.6 issued under sec. 3, 64 Stat. 13, as amended; 22 U.S. C. 1622.

§ 531.1 Time or filing. Claims shall be filed with the Commission on or before September 30, 1956, except that claims pursuant to Section 305 (Soviet Claims) shall be filed on or before March 31, 1956.

§ 531.2 Form; content and fling of claims. (a) Claims shall be filed on official forms provided by the Commission upon request in writing addressed to the Commission at its principal office at Washington 25, D. C., shall include all of the information called for in the appropriate form indicated below, and shall be completed and signed in accordance with the instructions accompanying the form.

(b) FCSC Form 285-Statement of Claim Against the Government of (Bulgaria, Hungary, Rumania, Italy, Soviet Union)

§ 531.3 Exhibits and documents in support of claim. (a) If available, all exhibits and documents shall be filed with and at the same time as the claim, and shall, wherever possible, be in the form of original documents, or copies of originals certified as such by their public or other official custodian.

(b) Documents in foreign language. Each copy of a document, exhibit or in a language other than English, shall be accompanied by an English translation thereof duly verified under oath by its translator to be a true and accurate translation thereof, together with the name and address of the translator.

(c) Preparation of papers. All claims, briefs, and memoranda filed shall be typewritten or printed and, if typewritten, shall be on legal size paper.

§ 531.4 Acknowledgement and numbering. The Commission will acknowledge the receipt of a claim in writing and will notify the claimant of the claim number assigned to it, which number shall be used on all further correspondence and papers filed with regard to the

§ 531.5 Procedure for determination of claims. (a) The Commission may on its own motion order a hearing upon any claim, specifying the questions to which the hearing shall be limited.

(b) Without previous hearing, the Commission may issue a proposed decision in determination of a claim.

(c) Where such proposed decision denies the claim in whole or in part, claimant may within twenty days of service thereof file objections to such denial, assigning the errors relied upon, with accompanying brief in support thereof, and may request a hearing on the claim, specifying whether for the taking of evidence or only for the hearing of oral argument, upon the errors assigned.

(d) Upon the expiration of twenty days after such service or receipt of notice, if no objection under § 531.5 has in the meantime been filed, such proposed decision shall by further order of the Commission become the Commission's final determination and decision

upon the claim.

(e) If any such objections have in the meantime been filed, but no hearing requested, the Commission may, after due consideration thereof, (1) issue its final decision affirming or modifying its proposed decision, (2) or issue a further proposed decision, or (3) on its own motion order hearing thereon, indicating whether for the taking of evidence on specified questions or only for the hearing of oral argument.

(f) After the conclusion of a hearing, upon the expiration of any time allowed by the Commission for further submissions, the Commission may proceed to final decision and determination of the

claim.

(a) Hearings, Hearings. whether upon the Commission's own motion or upon request of claimant, shall be held upon fifteen days' notice of the time and place thereof.

(b) Such hearings shall be open to the public unless otherwise requested by claimant and ordered by the Commis-

(c) Such hearings shall be conducted by the Commission, its designee or designees. Oral testimony and documentary evidence, including depositions that may have been taken as provided by statute and the rules of practice, may be offered in evidence on claimant's be-

paper filed, which is written or printed half, or by counsel for the Commission designated by it to represent the public interest opposed to the allowance of any unjust or unfounded claim or portion thereof: and either may cross-examine as to evidence offered through witnesses on behalf of the other. Objections to the admission of any such evidence shall be ruled upon by the presiding officer.

(d) The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determina-

tion of his claim.

(e) Hearings shall be stenographically reported by a reporter designated by the Commission and a transcript thereof shall be part of the record. When the hearing is ordered at claimant's request, the cost of such reporting and transcription may be charged to

[F. R. Doc. 55-7882; Filed, Sept. 29, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204-DANGER ZONE REGULATIONS

ATLANTIC OCEAN, VICINITY OF NO MANS LAND, MASS.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S. C. 1) and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U.S. C. 3) paragraph (b) of § 204.5 governing the use and navigation of a danger zone in the vicinity of No Mans Land, Massachusetts, is hereby revised

enlarging the existing area to permit use of the target for live bombing exercises by naval aircraft, as follows:

§ 204.5 Nantucket Sound, Buzzards Bay, and adjacent waters, Mass., danger zones for naval operations.

(b) Atlantic Ocean in vicinity of No Mans Land—(1) The area. The waters surrounding No Mans Land within an area bounded as follows: Beginning at latitude 41°12'30" longitude 70°50'30" thence northwesterly to latitude 41°15' 30" longitude 70°51'30" thence northeasterly to latitude 41°17'30" longitude 70°50'30" thence southeasterly to latitude 41°16'00" longitude 70°47'30". thence south to latitude 41°12'30", longitude 70°47′30" thence westerly to the point of beginning.

(2) The regulations. No vessel shall at any time enter or remain within a rectangular portion of the area bounded on the north by latitude 41°16'00" on the horizon by latitude 70°47'30" on the south by latitude 41°12'30" and on the west by longitude 70°50'30" or within the remainder of the area between 1 November and 30 April, inclusive, except by permission of the enforcing agency.

(3) The regulations in this paragraph shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

[Regs., 15 September 1955, 800.2121 (Atlantic Ocean, Maca)-ENGWO] (Sec. 7, 40 Stat. 263, 40 Stat. 832; 33 U. S. C. 1, 3)

[SEAL] JOHN A. KLEIN, Major General, U.S. Army, The Adjutant General.

[F. R. Doc. 55-7836; Filed, Sept. 23, 1955; 8:45 a. m.l

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192-49.31]

ISLA GRANDE AIRPORT, SAN JUAN, PUERTO Rico

NOTICE OF PROPOSED REVOCATION OF DESIG-NATION AS AN INTERNATIONAL AIRPORT

SEPTEMBER 26, 1955.

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U.S.C., 177 (b)), it is proposed to revoke the designation of the Isla Grande Airport, San Juan, Puerto Rico, as an international airport for civil' aircraft and merchandise carried therein arriving from places outside the United States; and it is further proposed to amend the list of international airports in § 6.13 of the Customs Regulations, by deleting the location and name of said international airport.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S. C. 1003). Data, views,

or arguments with respect to the proposed revocation of the designation of the above-mentioned airport as an international airport may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

DAVID W. KERDALL, Acting Secretary of the Treasury.

[F. R. Doc. 55-7807; Filed, Sept. 29, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [7 CFR Part 1001]

HAMPLING OF LIMES GROWN IN FLORIDA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is giving consideration to the following recommendations, submitted by the Florida Lime Administrative Committee, established pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001, 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 68 Stat. 906, 1047)

It is proposed that the Secretary prohibit, beginning at 12:01 a. m., e. s. t., February 1, 1956, the handling of any limes grown in the production area covered by the aforesaid marketing agreement and order, in any container having a capacity of more than two pounds and less than 40 pounds (i. e., less than contained in a container with inside dimensions of 11 by 16¾ by 10 inches) unless

such limes are handled in containers having miside dimensions of either (1) 11½ by 7½ by 5 inches, or (2) 12 by 9½ by 3¾ inches: Provided, That any such container, as herein proposed to be prescribed, shall contain not less than 10 pounds of limes: And provided further That the limitations set forth herein shall not apply to master containers for individual cartons each of which does not contain more than two pounds.

It is contemplated that the foregoing proposal or modification thereof will, if made effective, be issued as an amendment of Lime Order No. 2 (20 F. R. 5627) which prescribes container regulations for the handling of limes in containers having a capacity greater than one-half bushel.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposals should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the thirtieth day after publication of this notice in the Federal Register.

Dated: September 26, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 55-7903; Filed, Sept. 29, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF THE ARMY, NAVY, AND AIR FORCE ET AL.

DELEGATION OF AUTHORITY PURSUANT TO EXECUTIVE ORDER 10621

By virtue of the authority vested in me as Secretary of Defense, the following delegation of authority is hereby made:

Pursuant to Section 1 of Executive Order 10621, I designate the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Ar Force and, in accordance with the assignment of their duties and responsibilities, the corresponding Under-Secretary and Assistant Secretaries of each military department to perform with regard to their respective military departments the functions of the President described in section 1 (i) of Executive Order 10621, without the approval, ratification or other action of the President.

Pursuant to section 1 of Executive Order 10621, I designate the Secretary of the Navy and, in accordance with the assignment of their respective duties and responsibilities, the Under-Secretary of the Navy and the Assistant Secretaries of the Navy, to perform with respect to the Department of the Navy the functions of the President described in sections 1 (a) through 1 (h) and 1 (j) through 1 (n) of Executive Order 10621, without the approval, ratification or other action of the President.

Pursuant to section 2 of Executive Order 10621 I designate the Deputy Secretary of Defense to perform the functions of the President described in sections 2 (a) and 2 (b) of Executive Order 10621, without the approval, ratification or other action of the President.

C. E. Wilson, Secretary of Defense.

SEPTEMBER 22, 1955.

[F. R. Doc. 55-7906; Filed, Sept. 29, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7278]

Lineas Aereas De Nicaragua, S. A. (Lanica)

NOTICE OF HEARING

In the matter of the application of Lineas Aereas de Nicaragua, S. A. for a Foreign Air Carrier Permit authorizing it to engage in indirect air transportation between points in the United States and points in Nicaragua.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 2, 1955, at 10:00 a.m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 26, 1955.

[SEAL] FRANCIS W BROWN, Chief Examiner

[F. R. Doc. 55-7915; Filed, Sept. 29, 1955; 8:52 a. m.]

[Docket No. SA-310]

ACCIDENT OCCURRING AT HOBES, N. MEX.

NOTICE OF HEARING

In the matter of investigation of accident involving air collision between aircraft of United States Registry N 18949 and N 3334B which occurred at Hobbs, New Mexico, August 29, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, October 12, 1955, at 9:00 a. m. (local time) in the American Legion Hall, 319 East Dunham Street, Hobbs, New Mexico.

Dated at Washington, D. C., September 23, 1955.

[SEAL] HAROLD G. CROWLEY,

Presiding Officer

[F. R. Doc. 55-7916; Filed, Sept. 29, 1955; 8:52 a. m.]

[Docket No. 7233]

PANAMA CITY, FLORIDA-ATLANTA INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a preheating conference in the above-entitled investigation is assigned to be held on October 5, 1955, at 10:00 a.m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F Cusick.

Dated at Washington, D. C., September 27, 1955.

[SEAL]

Francis W Brown, Chief Examiner

[F. R. Doc. 55-7917; Filed, Sept. 29, 1956; 8:52 a. m.]

[Docket No. 7378]

TRANSFER OF TWA CINCINNATI-DETROIT
ROUTE

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation to determine whether the public convenience and necessity require, and the Board should order transfer to another carrier, of that part of segment 1 of TWA's route No. 2 which extends between Cincinnati, Ohio, and Detroit, Michigan, via Dayton, Columbus and Toledo, Ohio, and if so, to which carrier.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on October 6, 1955, at 10:00 a.m., e. s. t., in Room 5859, Commerce Building, Four-

teenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., September 27, 1955.

[SEAL]

Francis W Brown, Chief Examiner

[F. R. Doc. 55-7918; Filed, Sept. 29, 1955; 8:53 a. m.]

FEDERAL HOUSING ADMINIS-TRATION

2½ Percent Title I Housing Insurance Fund Debentures, Series L

NOTICE OF CALL FOR PARTIAL REDELIPTION, BEFORE MATURITY

SEPTEMBER 22, 1955.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C. title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1956, on which date interest on such debentures shall cease:

2½ Percent Title I Housing Insurance Fund Debentures, Series L

	(all numbers
Denomination:	inclusive)
\$50	116.
\$100	42 to 48.
\$500	61.
\$1,000	255 to 260.
\$5,000	

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1955. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1955, and provision will be made for the payment of final interest due on January 1, 1956, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1955, to December 31, 1955, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1956, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL]

NORMAN P. MASON, Commissioner

Approved: September 23, 1955.

W. RANDOLPH BURGESS, Acting Secretary of the Treasury. [F. R. Doc. 55-7891; Filed, Sept. 29, 1955; 8:47 a. m.] 2% Percent Title I Houseig Insurance Fund Debentures, Series R

NOTICE OF CALL FOR PARTIAL REBELEPTION,
BEFORE MATURITY

SEPTEMBER 22, 1955.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2% percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers, designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1956, on which date interest on such debentures shall cease:

234 Percent Title I Housing Insurance Fund Dependence, Series R

	Serial numbers tall numbers
Denomination:	inclusive)
\$50	G,
\$100	10 to 13.
\$500	4.
\$1,000	9 to 24.
85.000	8.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1955. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1955, and provision will be made for the payment of final interest due on January 1, 1956, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1955, to December 31, 1955, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1956 or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL]

NORMAN P. MASON, Commissioner

Approved: September 23, 1955.

W RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7892; Filed, Sept. 29, 1955; 8:47 a. m.]

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1955.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1956, on which date interest on such debentures shall cease:

3 Pencent Title I Housing Insurance Fund Description, Series T

	Serial numbers
	(all numbers
Denomination:	inclusive
809	2 to 4.
6100	
6500	1 to 2.
61,000	
	1 to 2

The debenture first issued as determined by the issue dates thereof were selected for redemption by the Commiscioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1955. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1955, and provision will be made for the payment of final interest due on January 1, 1956, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1955, to December 31, 1955, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1956, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL]

NORMAN P. MASON, Commissioner.

Approved: September 23, 1955.

W. Ranbolph Burgess,
Acting Secretary of the Treasury.

[F. R. Dac. 55-7833; Filed, Sept. 23, 1935; 8:47 a. m.]

2% Percent Mutual Mortgage Insurance Fund Debintures, Series E

NOTICE OF CALL FOR PARTIAL DEDICIPTION, DEFORE MATURITY

SEPTEMBER 22, 1955.

Pursuant to the authority conferred by the National Housing Act (43 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2% percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1956, on which date interest on such debentures shall cease:

23/4 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

	Serial	าน	mbers
	(all:	nur	nbers
Denomination:	inc	:lus	ıve)
\$50	1,021	to	1,048.
\$100	1,888	to	1,998.
φ100	2,604	to	2,731.
0500			732.
\$1,000	1,397	to	1,500.
\$5,000 	808	to	884.
\$10,000	257	to	278.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1955. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1955, and provision will be made for the payment of final interest due on January 1, 1956, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1955, to December 31, 1955, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1956, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL]

Norman P Mason, Commissioner

Approved: September 23, 1955.

W RANDOLPH BURGESS, Acting Secretary of the Treasury. [F. R. Doc. 55-7894; Filed, Sept. 29, 1955; 8:47 a. m.]

2½ Percent Mutual Mortgage Insurance Fund Debentures, Series K

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1955.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Mutual Mortgage Insurance Fund Debentures, Series K, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1956, on which date interest on such debentures shall cease:

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K.

	Serial numbers
	(all numbers
Denomination:	inclusive)
	344 to 522.
\$500	158 to 192.
\$1,000	379 to 470.
\$5,000	104 to 145.
\$10,000	78 to 189.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1955. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1955, and provision will be made for the payment of final interest due on January 1, 1956, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1955, to December 31, 1955, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1956; or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL] NORMAN P MASON,

Commissioner

Approved: September 23, 1955.

W RANDOLPH BURGESS, Acting Secretary of the Treasury. [F. R. Doc. 55-7895; Filed, Sept. 29, 1955;

3 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES U

8:48 a. m.]

NOTICE OF CALL FOR PARTIAL REDEMPTION,
BEFORE MATURITY

SEPTEMBER 22, 1955.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Mutual Mortgage Insurance Fund Debentures, Series U, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1956, on which date interest on such debentures shall cease:

3 Percent Mutual Mortgage Insurance Fund Debentures, Series U

	Serial numbers (all numbers
Denomination:	inclusive)
\$50	inclusive)
	36 to 89.
\$500	11 to 24.
\$1,000	31 to 74,
\$5,000	18 to 42.
\$10.000	1.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1955. This does

not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1955, and provision will be made for the payment of final interest due on January 1, 1956, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1955 to December 31, 1955, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1956, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL] NORMAN P MASON, Commissioner

Approved: September 23, 1955.

W RANDOLPH BURGESS, Acting Secretary of the Treasury.

[F R. Doc. 55-7896; Filed, Sept. 29, 1856; 8:48 a. m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTCMBER 22, 1955.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1956, on which date interest on such debentures shall cease;

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	(all numbers inclusive)
\$50	
\$100	. 6,863 to 6,960.
\$500	_ 1,421 to 1,466.
\$1,000	. 0.282 to 6.338.
	68,704 to 8,785.
\$5,000	2,557 to 2,579
\$5,000	2,852.
\$10,000	. `25.267 to 26.171.

The debentures first issued as determined by the issue dates thereof wore selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1955. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1955, and provision will be made for the payment of final interest due on January 1, 1956, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1955, to December 31, 1955, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1956, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL]

NORMAN P MASON, Commissioner

Approved: September 23, 1955.

W RANDOLPH BURGESS, Acting Secretary of the Treasury. [F. R. Doc. 55-7897; Filed, Sept. 29, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

WELBILT CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 26, 1955.

In the matter of Welbilt Corporation, Common Stock, \$1 Par Value, File No. 1-586.

The above named issuer, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Detroit Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Welbilt Corporation is successor by merger to Detroit Michigan Stove Company, whose common stock was listed on the New York and Detroit Stock Exchanges, and to Welbilt Stove Company, Inc., whose stock was privately held.

The stock resulting from the merger is also listed on the New York and Detroit Stock Exchanges, but over three-fourths of it is held by stockholders residing in the vicinity of New York City, and exchange activity therein has come to be almost entirely on the New York Stock Exchange. Volume on the Detroit Stock Exchange was reported at 1,265 shares in June, none in July, and 230 shares in August 1955.

The applicant desires to terminate the listing on the Detroit Stock Exchange and end its expenses in connection therewith.

Upon receipt of a request, on or before October 12, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter

addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 55-7900; Filed, Sept. 29, 1935; 8:49 a. m.]

[File No. 31-630]

PAUL SMITH'S COLLEGE OF ARTS AND SCIENCES

ORDER GRANTING APPLICATION FOR EXELIPTION

SEPTEMBER 22, 1955.

Paul Smith's College of Arts and Sciences ("College") has filed an application with this Commission pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("Act") requesting exemption on behalf of itself and its subsidiary companies, Paul Smith's Electric Light and Power and Railroad Company ("Electric") a public-utility company, and Paul Smith's Hotel Company, a non-utility company, from the provisions of the Act.

College is incorporated under the Education Law of the State of New York for the purpose of establishing, operatmg and maintaining a college of higher education, and has its principal office and place of business at Paul Smiths, Franklin County, New York. Its assets, other than the capital stock of its subsidiary companies, consist principally of land, buildings and other facilities usual and necessary to the operations of a school of higher learning. All of such properties are located wholly within the State of New York. College owns all of the outstanding capital stock, other than directors' qualifying shares, of its subsidiary companies.

Electric was incorporated as a public utility company under the laws of the State of New York and has its principal office at Paul Smiths, New York. It is engaged in the generation, transmission, and retail distribution of electric energy in Clinton, Essex, Franklin and St. Law-rence Counties, New York, and sells electric energy at wholesale to the Villages of Lake Placid and Tupper Lake, New York, for distribution through their municipally-owned systems. Electric owns hydro-electric plants on the Saranac River and Racquette River in Franklin, Clinton, and St. Lawrence Counties and a diesel electric generating plant at Piercefield, St. Lawrence County, New York. Electric's business is carried on wholly within the State of New York and the company is subject to the jurisdiction of the New York Public Service Commission.

Due notice of the filing of said application having been given and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable standards of Scatton 2 (a) (1) of the Act are satisfied, that said application should be granted, and that this order should become effective upon issuance:

It is ordered, That Paul Smith's College of Arts and Sciences and its subsidiary companies be, and the same hereby are, exempted from the provisions of the Act applicable to them as a holding company and subsidiary companies thereof.

It is further ordered, That this Order shall become effective upon issuance.

By the Commission.

[SEAL]

NELLYE A. Thorsen, Assistant Secretary.

[F. E. Dre. 55-7301; Filed, Sept. 23, 1955; 8:43 a. m.]

SMALL BUSINESS ADMINISTRA-TION

[Declaration of Dicaster Area 63]

MARYLAND

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning in or about the third week of August, 1955, because of the disastrous effects of flood caused by Hurneane Diane, damage resulted to residences and business property located in certain areas in the State of Maryland; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

hereby determine that:

1 Applications for dis

1. Applications for disaster loans under the provisions of Section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Prince Georges County (including any areas adjacent to Prince Georges County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 800 N. Lembardy Street, Elchmond 20, Virtinia.

Small Business Administration Branch Office, Calvert Building, Room 307, Fayette and St. Paul Streets, Baltimore, Maryland.

- 2. No special field offices will be established at this time.
- 3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1956.

Dated: September 26, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-7304; Filed, Sopt. 23, 1955; 8:59 a. m.]

[Declaration of Disaster Area 70]

TEXAS

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about September 18, 1955, because of the disastrous effects of Hurricane Hilda, damage resulted to residences and business property located in certain areas in the State of Texas; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Willacy County (including any areas adjacent to Willacy County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Texas. Small Business Administration Branch Office, Federal Office Building, Room 404, Fannin and Franklin Streets, Houston 14,

- 2. No special field offices will be established at this time.
- 3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1956.

Dated: September 26, 1955.

WENDELL B. BARNES. Administrator

[F. R. Doc. 55-7905; Filed, Sept. 29, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

Fourth Section Applications for Relief

SEPTEMBER 27, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 31132: Foodstuffs-Pacific Coast to Alabama. Filed by W J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carload from Pacific coast points taking specified rate basis numbers, and other points to Boyleston, Dingley, Madison Park, Montgomery and Steiner, Ala.

Grounds for relief: Circuitous routes operating through higher-rated destination groups.

Tariff: Supplement 32 to Agent Prueter's I. C. C. 1567.

FSA No. 31133: Cement-Birmingham, Ala., group to Montgomery, Ala. Filed by Central of Georgia Railway Company, for itself. Rates on cement and related articles, carloads from Birmingham and North Birmingham, Ala., to Montgomery, Ala.

Grounds for relief: Circuitous routes. Tariff: Supplement 40 to Agent Spaninger's I. C. C. 1447.

FSA No. 31134. Motor-rail rates in the East-Substituted service. Filed by The New York, New Haven and Hartford Railroad and the Roulston Freight Lines, Inc., for themselves and on behalf of other common carriers by motor vehicle. Rates on various commodities loaded in semimotor vehicle trailers, and empty trailers, loaded on railroad flat cars between Springfield, Mass., Hartford and New Haven, Conn., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers on substituted rail for motor transportation.

FSA No. 31135: Beet or cane sugar-California to Missouri. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on beet or cane sugar, in bags, carloads, also on like sugars, liquid as described, tank-car loads, from specified origins in California to specified destinations in Missouri.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 32 to Agent Prueter's I. C. C. 1567.

FSA No. 31136: Pig iron-Troy and Green Island, N. Y. to Erie, Pa. Filed by C. W Boin, Agent, for interested rail carriers. Rates on pig iron, carloads from Troy and Green Island, N. Y., to Erie. Pa.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 4 to Agent Boin's I. C. C. A-1054 and Supplement 26 to Delaware & Hudson Corp. I. C. C. 278.

By the Commission.

[SEAL] HAROLD D. MCCOY. Secretary.

8:48 a. m.1

DEPARTMENT OF JUSTICE

Office of Alien Property

LILLIAN VETT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lillian Vett, as natural guardian for Margit Wolfsen, minor, Hostrups 98, Copenhagen, Denmark, Claim No. 44068, Vesting Order No. 3973; \$4,258.86 in the Treasury of the United Ten (10) shares no par value common stock of Hardman, Peck & Company, New York, with a stated value of \$1.00 per share, being one-half interest in the 20 shares represented by Certificate No. 127, registered in the name of the Alien Property Custodian, in the custody of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on September 22, 1955.

For the Attorney General.

[SEAL]

PAUL V. MYRON, Deputy Director, Office of Alien Property.

[F. R. Doc. 55-7909; Flied, Sept. 29, 1055; 8:51 a. m.)

ALFA-ROMEO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alfa-Romeo, S. P. A. Milan, Italy, Claim No. 59784, Vesting Orders No. 1696 and No. 2194; \$6,070.83 in the Treasury of the United

Executed at Washington, D. C., on September 22, 1955.

For the Attorney General.

[SEAL]

PAUL V MYRON, Deputy Director, Office of Alien Property.

[F. R. Doc. 55-7898; Filed, Sept. 29, 1955; [F. R. Doc. 55-7910; Filed, Sept. 29, 1955; 8:51 a. m.]